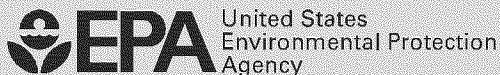


Flint Residents:

Ways You Can Protect Your Drinking Water



EPA recommends that all residents use either bottled water or cold water that has been through a water filter certified to remove "total lead" for drinking, cooking and making baby formula until further notice. This is especially important for pregnant women, infants and children.

Normally, EPA recommends running your water when it has not been used for long periods of time. However, the protective coating within the service lines is still being built up following Flint's return to water from the Great Lakes Water Authority and the stability of this growing coating is hard to know throughout the water system.

EPA and the Centers for Disease Control and Prevention believe there is no safe level of lead exposure. Lead is harmful to health, especially for children. While paint, dust, and soil are the most common sources of lead, infants who consume mostly mixed formula can receive 40 to 60 percent of their exposure to lead from drinking water.

Contact:

EPA's Safe Drinking Water Hotline (800)426-4791

HHS contact or CDC contact

City of Flint Water Plant at 810-787-6537

Important Tips

- ☐ **Do not** drink water directly out of the tap or a water fountain
- ☐ **Do** drink bottled water or cold water that has been through a filter
- ☐ **Do not** cook or make baby formula with unfiltered water
- ☐ **You can** wash your hands with unfiltered water
- ☐ **You can** bath and shower in the water

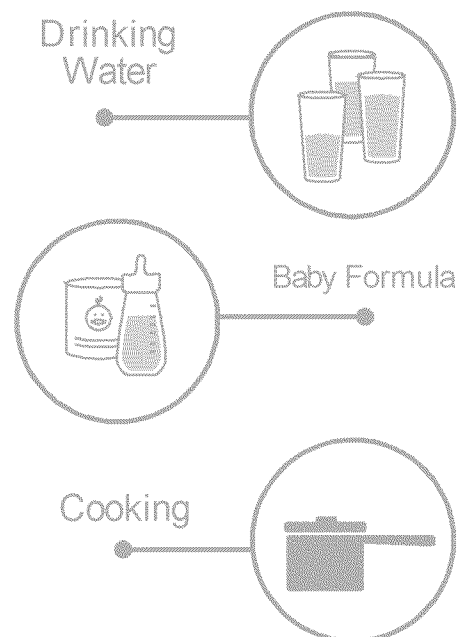
* Children under 6 and pregnant women should consider getting tested for lead

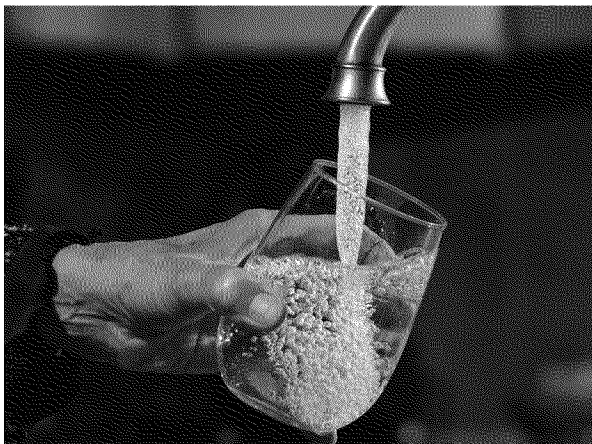


Cold Filtered Water or Bottled Water

Until further notice:

U.S.EPA recommends that all residents use either bottled water or cold water that has been through a water filter certified to remove "total lead" for drinking, cooking and making baby formula. This is especially important for pregnant women, infants and children.





Reduce Lead in Drinking Water

- ☐ **Have your water tested.**
Flint residents can have their water tested for free by calling the City of Flint Water Plant at 810-787-6537, then press 1. Flint residents may email flint-water@cityofflint.com
- ☐ **Be aware of any work that could disturb your lead service line**, such as water main replacement, lead service line rU.S.EPAir or replacement of part of the service line.
- ☐ On a regular basis **clean and remove any debris from faucet aerators** to clear out any particles of lead that may become trapped in the aerator.
- ☐ **Purchase lead-free faucets and plumbing components.**
- ☐ **Remove the entire lead service line.**

Collecting water samples

If you are having your water tested for lead, it's important that you collect water samples in a specific way to ensure accurate results. The sampling recommendations and instructions depend on whether you have a lead service line or not. Testing the water for homes with lead service lines is more complex than for homes without a lead service line, so there are different sampling instructions for each situation.

See www.epa.gov/flint for more information on testing.

Flint Drinking Water Federal Response

On January 16, 2016, President Obama signed an emergency declaration ordering federal assistance to support state and local response efforts in Flint, Michigan. The Department of Health and Human Services (HHS) has been designated the lead federal agency responsible for coordinating federal government response and recovery efforts.

In collaboration with the Federal Emergency Management Agency (FEMA), HHS will identify and mobilize the capabilities of the rest of the federal partners – including the Small Business Administration, the Environmental Protection Agency (U.S.EPA), and the Departments of Housing and Urban Development (HUD), Education and Agriculture (USDA) –that are already working to help residents in Flint.

The goal of the federal response is to help state and local leaders identify the size and scope of the problem, and work with them to make and execute a plan for mitigation of the short- and long-term health effects of lead exposure.

Task Force Reconnecting the Flint Drinking Water System to a New Source

On October 16, 2015, U.S.EPA established the Flint Safe Drinking Water Task Force to provide the Agency's technical expertise through regular dialogue with designated officials from Michigan Department of Environmental Quality and the City of Flint. The Task Force will assist with developing and implementing a plan to secure water quality, including measures to optimize corrosion control.

On Monday, January 25, U.S.EPA teams arrived in Flint to work with City residents to begin collecting lead samples. Initial samples will be used to confirm that lead is being removed by water filters. U.S.EPA will then collect drinking water samples with Flint residents to better understand the types of plumbing materials that are of greatest concern for lead in the city's drinking water and to ensure that corrosion control is being restored in the drinking water system.

Water samples will be collected by residents in coordination with U.S.EPA and MDEQ using wide-mouth bottles, as recommended by U.S.EPA's Flint Lead Task Force. After the samples are collected, they will be sent to an U.S.EPA laboratory for analysis and the results of the all the samples collected by U.S.EPA will be posted on U.S.EPA's website at: www.U.S.EPA.gov/flint. U.S.EPA will ensure to remove any personal information from the results and will post the data as soon as it becomes available.

U.S.EPA stresses that there is no level of lead that is considered safe. U.S.EPA recommends that residents continue to use filters or drink bottled water and if necessary, contact their local health provider to have themselves or their children tested for lead. U.S.EPA will continue to work with the City of Flint to monitor drinking water quality and to ensure the public is receiving up to date information.

In cooperation with:



To: Thurmon, Clarke[Thurmon.Clarke@epa.gov]; Denton, Loren[Denton.Loren@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: King, Carol
Sent: Thur 1/28/2016 3:09:19 AM
Subject: Re: 6pm Flint call tonight

Deliberative Process / Ex. 5

From: Thurmon, Clarke
Sent: Wednesday, January 27, 2016 5:50:32 PM
To: Denton, Loren; King, Carol
Cc: Pollins, Mark
Subject: RE: 6pm Flint call tonight

Loren,

Yes, Carol and I will both be able to listen in on the R5 status call at 6pm.

We will follow up with an email of any big issues.

FYI – Carol and I have a meeting with OGC tomorrow morning from 9am-10am to discuss the NRDC Complaint and legal options. That said, we are also generally available to speak with you two at any point tomorrow should you find this helpful.

Thanks,
Clarke

Clarke Thurmon, Attorney
Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Phone: (202) 564-5587
Fax: (202) 564-0024

Protecting the environment is everyone's responsibility. You can help by reporting potential environmental violations. To do so, visit EPA's website at <http://epa.gov/compliance/complaints/index.html>

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please contact the sender and delete the copy you received. Do no print, copy, retransmit, disseminate, or otherwise use the information. Unless so stated, legal arguments and opinions by the writer of this email do not represent official EPA policy. Thank you.

From: Denton, Loren
Sent: Wednesday, January 27, 2016 5:30 PM
To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>; King, Carol <King.Carol@epa.gov>
Cc: Pollins, Mark <Pollins.Mark@epa.gov>
Subject: 6pm Flint call tonight

Clarke, Carol:

If one of you is available at 6pm, please listen in to R5 status call on flint. Mark and I will be in air. If anything big mentioned, let us know via email. If you can't make call, we will get details from R5 in AM. Thanks.

Loren

<tel:877-226-9607;529-569-0482>

Sent from my iPhone

To: Bosscher, Valerie[bosscher.valerie@epa.gov]
From: Bair, Rita
Sent: Thur 1/28/2016 3:40:12 AM
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Thanks. I was going to spend a little time on this and email my comments tonight.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 9:22 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Please see attached. I will fill in more on the reporting items tomorrow morning.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 7:17 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Here's what I have as a rough skeleton for formatting. Still needs lots of work. Val said she would take the next crack at it and then route again when she is done.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 7:01 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Here is a brief discussion of the Sampling Activities and Objectives, beginning with the Sequential Sampling (I will add for the other tasks, if this is an ok format).

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Lead Source/Release Diagnostic Evaluation (i.e., Sequential Sampling)

- o Objectives:

- Sequential sampling at suspected high risk sites will be conducted to inform any necessary corrosion control adjustments based on actual conditions within the distribution system. A series of total metals samples (including Pb, Cu, Fe, Zn, Al, Ni, Ca, Cd, K, Mg, Mn, and Na) will be collected, each representing a length of pipe in the home, to assess what the relative contributions of lead are from different plumbing sources to allow optimization of lead and other metal release from the service lines and premise plumbing.

- o Sampling Plan:

- Sampling sites are being identified based on (1) available data indicating a lead service line may be present and/or (2) resident request [this is my understanding – field team to confirm].
- The field team is contacting residents to schedule this sampling, and they estimate 10-20 homes may be sampled each week during the next couple of weeks.

- o Reporting:

- Lab Data:

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Preliminary data will be available within 5 business days of CRL receiving the samples (or 6 business days, if not field preserved). *Note: CRL indicated they MAY be able to*

Deliberative Process / Ex. 5

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Final Analytical Reports will be available within 15 business days of CRL receiving the samples.

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Deliberative Process / Ex. 5

- Communication to Resident

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ A short transmittal with a figure presenting the analytical results, as well as brief health risk information and data interpretation is planned for each residence (resident and/or owner). This would be sent as soon as possible after analytical results are available.

- Communication to General Public

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ Broad conclusions such as “is the system compliant?” or “is Flint water safe to drink?” are not anticipated from the Sequential Sampling.

- ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ The analytical results could be shared after they have been reviewed, and PII is removed.

- [REDACTED] Conclusions regarding water treatment (e.g. additional corrosion control) could be prepared after sufficient homes have been sampled (TBD, depending on initial results).
- [REDACTED] Sampling at Homes with Elevated Lead in Water Concentrations (i.e., Filter Evaluation)
- [REDACTED] Lead and Copper Rule Compliance Sampling
- [REDACTED] Distribution System Water Quality Characterization (including Bacterial Sampling if low or non-detectable chlorine residual)

From: Bosscher, Valerie

Sent: Wednesday, January 27, 2016 6:36 PM

To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Additions below.

From: Bair, Rita

Sent: Wednesday, January 27, 2016 5:38 PM

To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

From: Maraldo, Dean

Sent: Wednesday, January 27, 2016 5:26 PM

To: Durno, Mark <durno.mark@epa.gov>

Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>

Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

=====

Dean Maraldo
Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)
Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

From: Durno, Mark
Sent: Wednesday, January 27, 2016 4:47 PM
To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy
Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

We just got a request from HQ and the AA's office. There is a concern about the timing of publically available data. We've been tasked to put together a brief bulleted list of how we see the data processing working moving forward. We've been asked to have this ready for our 11 am briefing tomorrow. So.... Here are the basic questions:

Chlorine Screening:

Can we begin posting immediately?

Deliberative Process / Ex. 5

What will the publically available information look like (with PII removed)?

Who will it be visualized?

What disclaimers will be pertinent?

How often will it be updated? Daily?

Deliberative Process / Ex. 5

What messaging will accompany the data?

Deliberative Process / Ex. 5

Lead Sampling:

What can we describe about the upcoming sampling?

- **Dean: Tom, Rita?**
- Val can draft descriptions of sampling components.

What will our sampling through-put be?

- **Dean: initial estimate roughly 10-20 homes per week for sequential sampling for first few weeks of response.**

Filter Evaluation sampling – Start Date TBD, to be coordinated with Health Dept.

Compliance sampling – Start Date TBD, to be coordinated with MDEQ (MDEQ is selecting 200

locations for ongoing sampling, draft plan to be shared with EPA ~next week. Methods for site selection are unknown, but we have requested to review/provide input).

Distribution System WQ Characterization (and Bacterial, if Chlorine is ND) – Samples for WQP are being collected at the sites selected for Sequential Sampling. Field Team has completed Chlorine Residual sampling at the 11 residences where individuals had requested sampling. Field Team is looking into options for additional chlorine residual and/or full WQP sampling.

How quickly will draft results be delivered?

Deliberative Process / Ex. 5

- EPA CRL has indicated they are able to report preliminary metals results

Can we post with disclaimer about draft data subject to change?

Deliberative Process / Ex. 5

How will the data be visualized?

- **Dean: GIS/OPA?**

How often will it be updated? Daily?

What messaging will accompany the data?

MDEQ Lead sampling:

Can we establish a link to the State's site for their data/information?

Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Carroll, Gregory[Carroll.Gregory@epa.gov]; Alexander, Matthew[Alexander.Matthew@epa.gov]; Lieberman, Richard[Lieberman.Richard@epa.gov]
Cc: Speth, Thomas[Speth.Thomas@epa.gov]
Sent: Thur 1/28/2016 12:12:06 PM
Subject: RE: Help from AWOP team Thursday morning

I'll coordinate with Matt and Rick and we'll have something to you by then. What you suggested is true -

Deliberative Process / Ex. 5

-----Original Message-----

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 7:06 AM
To: Alexander, Matthew <Alexander.Matthew@epa.gov>; Dugan, Alison <Dugan.Alison@epa.gov>; Lieberman, Richard <Lieberman.Richard@epa.gov>
Cc: Speth, Thomas <Speth.Thomas@epa.gov>
Subject: Fw: Help from AWOP team Thursday morning

I wanted to get Peter an initial reaction quickly (see below) but can one of you look at this and (in no more than a half-page and by 9:30am) confirm/expand on this as needed.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks.

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 6:34 AM
To: Grevatt, Peter
Cc: Burneson, Eric; Speth, Thomas
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Sent from my iPhone

> On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:
>

Deliberative Process / Ex. 5

> Sent from my iPhone

To: Carroll, Gregory[Carroll.Gregory@epa.gov]; Alexander, Matthew[Alexander.Matthew@epa.gov]; Lieberman, Richard[Lieberman.Richard@epa.gov]
Cc: Speth, Thomas[Speth.Thomas@epa.gov]
From: Dugan, Alison
Sent: Thur 1/28/2016 12:24:39 PM
Subject: RE: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

-----Original Message-----

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 7:06 AM
To: Alexander, Matthew <Alexander.Matthew@epa.gov>; Dugan, Alison <Dugan.Alison@epa.gov>; Lieberman, Richard <Lieberman.Richard@epa.gov>
Cc: Speth, Thomas <Speth.Thomas@epa.gov>
Subject: Fw: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Thanks.

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 6:34 AM
To: Grevatt, Peter
Cc: Burneson, Eric; Speth, Thomas
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Sent from my iPhone

> On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

> Sent from my iPhone

To: Thurmon, Clarke[Thurmon.Clarke@epa.gov]
From: King, Carol
Sent: Thur 1/28/2016 12:26:35 PM
Subject: Fw: NRDC NOI to sue Flint and MI
2015-11-16-NRDC-Notice of Intent to Sue-Flint-FINAL.pdf

From: Darman, Leslie
Sent: Monday, November 16, 2015 4:18:46 PM
To: Grevatt, Peter; Garbow, Avi; Mitchell, Stacey; Beauvais, Joel; Burneson, Eric; Bergman, Ronald; Pollins, Mark; King, Carol; Nelson, Leverett; Glowacki, Joanna
Cc: Neugeboren, Steven; Wehling, Carrie
Subject: NRDC NOI to sue Flint and MI

FYI –

Attorney Client / Ex. 5

If you have any questions, please let me know.

Leslie Darman

Office of General Counsel

Water Law Office

202-564-5452

To: Humes, Hamilton[Humes.Hamilton@epa.gov]; Blackman, Richard[Blackman.Richard@epa.gov]; Williams, Molly[williams.molly@epa.gov]; Lavergne, Dany[lavergne.dany@epa.gov]
Cc: Hogan, Joanne[Hogan.Joanne@epa.gov]
From: Holden, Allison
Sent: Thur 1/28/2016 12:36:33 PM
Subject: Fw: DUE BY NOON TODAY Sen. Stabenow TA Request
JAC16124 XML (130 PM 1.26).doc

Hi OCFO Friends,

Apologies for last minute request -- we're on a tight deadline to provide technical drafting assistance on a bill regarding Flint, MI. **Deadline is noon today, notwithstanding OPM delays (we've already asked for an extension, it was denied.)** Unfortunately, if I don't hear back by then, it's going back to the hill as I've edited it.

The attached proposed bill gives EPA money for the purposes of making grants to Flint, MI to address their lead problem. Please see subsection (e) of the attached bill. You'll notice the scheme they've set up is for FEMA to transfer money from the Disaster Relief Fund to EPA, and if any money is unobligated by the year 2021, that money gets transferred back to FEMA. Note I said **transfer** -- this would not be your typical interagency agreement.

The question I have for you all is this:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you!

Allison Holden
Attorney-Advisor
Civil Rights and Finance Law Office
Office of General Counsel
U.S. Environmental Protection Agency
Phone: (202) 564-3841

From: Holden, Allison
Sent: Wednesday, January 27, 2016 5:19 PM
To: Hogan, Joanne; Sisson, Ann
Cc: Redden, Kenneth; Askew, Wendel; Packard, Elise
Subject: FW: Sen. Stabenow TA Request - QUICK TURNAROUND

Hi Joanne and Ann,

[Note deadline of 12:00 noon on Thursday Jan 28 from OCIR.]

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Allison Holden

Attorney-Advisor

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

Phone: (202) 564-3841

From: Hogan, Joanne

Sent: Tuesday, January 26, 2016 3:11 PM

To: Holden, Allison <Holden.Allison@epa.gov>

Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Redden, Kenneth
<Redden.Kenneth@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: FW: Sen. Stabenow TA Request - QUICK TURNAROUND

Hi Allison---

Can you take a look at this from an appropriations perspective? Thank you. Joanne.

Joanne M. Hogan

Attorney-Advisor

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5463

From: Cooper, Tiffany
Sent: Tuesday, January 26, 2016 3:08 PM
To: Hogan, Joanne <Hogan.Joanne@epa.gov>
Cc: Davis, CatherineM <Davis.CatherineM@epa.gov>
Subject: FW: Sen. Stabenow TA Request - QUICK TURNAROUND

Cathy... pushing this to Joanne as well. Please include her on TA requests. I hate making the distribution even wider but Joanne is crucial. Thanks!!

Tiffany L. Cooper

Budget Officer

Office of Ground Water and Drinking Water

US EPA

Phone: 202-564-1586

From: Davis, CatherineM
Sent: Tuesday, January 26, 2016 2:59 PM
To: Cooper, Tiffany <Cooper.Tiffany@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Bissonette, Eric <Bissonette.Eric@epa.gov>; Travers, David <Travers.David@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; King, Carol <King.Carol@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Asher, Jonathan <Asher.Jonathan@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Fortin, Denise <Fortin.Denise@epa.gov>
Subject: Sen. Stabenow TA Request - QUICK TURNAROUND

Attached is a rough draft and below an outline of an emergency bill for Flint. TA is requested by **NOON on Thursday, January 28**. When you read the bill, please let me know immediately if there are any red flags or if you need any clarification. They're requesting general TA on all sections except Sec. 4803, and they have the following specific questions:

- Do they need to create any exemptions to SDWA to allow EPA to utilize the new authority provided in the bill?
- Would it be EPA's preference for the state to receive the money, but specify the agency has ultimate authority to sign off on how the funding is used?
- What other eligible activities should be specifically mentioned as being eligible for direct grants?

Outline

TITLE I: INFRASTRUCTURE

Drinking Water Revolving Fund:

Funding amount: \$400 million

Funding source: FEMA Disaster Relief Fund or not offset

Matching fund: \$1:\$1 federal/nonfederal match

EPA can use this funding to issue direct grants to the State of Michigan and the City of Flint, to hire new personnel, and to cover the cost of technical assistance provided by the EPA or private entities/individuals contracted by the EPA.

EPA consults with state and Flint, but EPA has final say on spending.

Direct grants can be awarded for any activities that EPA deems necessary to ensure the City of Flint's drinking water supply does not contain lead levels that threaten public health or the environment or any other pathogens that pose a threat to public health.

o Specific activities eligible for direct grants include but are not limited to inspection of public and private water service lines in the City of Flint; corrosion control/optimization of public and private water service lines in the City of Flint; repair and replacement of public and private water services lines in the City of Flint; optimization/repair/replacement of existing or new public and

private water lines needed prior to or after construction of Karegnondi Water Authority (KWA) pipeline.

The authority for this program shall expire on March 1, 2021, any unspent and unobligated funds as of that date shall be reprogrammed to FEMA's Disaster Relief Fund or to the general fund (depending on whether we offset with funding from Disaster Relief Fund.)

Within 45 days of the start of fiscal years 2017, 2018, 2019, and 2020 the EPA shall report to the Senate and House Appropriation Committees, Senate Environment and Public Works Committee, the Senate Homeland Security and Government Affairs Committee, the House Energy and Commerce Committee, and the House Transportation and Infrastructure Committee on actions to achieve the aforementioned objectives.

Loan Forgiveness

State has authority to use money Drinking Water State Revolving Fund to absolve Flint's drinking water infrastructure loans.

TITLE II: Peters Reporting Bill

Not later than 15 days after the date of an exceedance of a lead action level, EPA **SHALL** notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity

Cathy Davis

Office of Congressional and

Intergovernmental Relations

202-564-2703

davis.catherinem@epa.gov

Send mail to:

US Environmental Protection Agency

1200 Pennsylvania Ave, NW

MC: 1305A

Washington, DC 20460

To: Pollins, Mark[Pollins.Mark@epa.gov]
Cc: Denton, Loren[Denton.Loren@epa.gov]; King, Carol[King.Carol@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Thurmon, Clarke[Thurmon.Clarke@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]
From: Wilson, Shari
Sent: Thur 1/28/2016 12:38:38 PM
Subject: Re: INPUT NEEDED TONIGHT: EPA Measure for Flint

Mark - thanks. Glad you arrived. There were no other responses. I am checking on flexibility - good point.

Shari

Sent from my iPhone

On Jan 27, 2016, at 11:00 PM, Pollins, Mark <Pollins.Mark@epa.gov> wrote:

Loren and I just got into Lansing. Not sure what the measures are flowing into but my immediate concern is what if we pursue a response other than the AO. I am sure others responded by now.

Sent from my iPhone

On Jan 27, 2016, at 7:02 PM, Wilson, Shari <Wilson.Shari@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Natarajan, Nitin
Sent: Wednesday, January 27, 2016 4:16 PM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Travers, David <Travers.David@epa.gov>; Tingley, Kevin <Tingley.Kevin@epa.gov>
Subject: INPUT NEEDED TONIGHT: EPA Measure for Flint

All,

Deliberative Process / Ex. 5

Please let me know sometime TODAY/TONIGHT, if you have any edits/issues.

Thanks in advance!

N

Deliberative Process / Ex. 5

Nitin Natarajan

Deputy Assistant Administrator

Office of Land and Emergency Management

Environmental Protection Agency

202-566-0200 Office

From: Natarajan, Nitin

Sent: Monday, January 25, 2016 5:20 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>

Subject: Fw: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

All,

Deliberative Process / Ex. 5

I know everybody has a lot on their plate, but if I could ask OW/ORD to take a look and put together some recommendations that we can share with the group prior to us responding back officially, I would appreciate it.

N

Nitin Natarajan
Deputy Assistant Administrator
Office of Land and Emergency Management
Environmental Protection Agency
202-566-0200 Office

From: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Sent: Monday, January 25, 2016 3:35 PM
To: Noronha, Neil J.
Cc: Cramer, Drew; Wood, John; Washington, Russell; Sherman, Will; Gautier, Peter; Pope, Amy; Valocsik-Jackson, Erin; Woods, Olivia
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Please see the attached document for today's meeting.

From: Noronha, Neil J.
Sent: Sunday, January 24, 2016 9:01 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>; Pope, Amy <Amy_E_Pope@nsc.eop.gov>; Valocsik-Jackson, Erin <Erin_L_Valocsik@nsc.eop.gov>; Woods, Olivia <Olivia_M_Woods@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Given tomorrow's closure of the federal government, the Restricted DRG on Flint, Michigan will take place via teleconference. Below is the information for the teleconference.

Phone: 202-395-6392

Nonresponsive Conference Code

Please confirm your attendance to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by tomorrow, Monday January 25, 2016 at 12:00 P.M.

Thank you for your flexibility and cooperation with this matter!

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 4:14 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Apologies for the lack of clarification. This Restricted DRG is about the Flint, Michigan water situation.

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 2:52 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members,

The restricted DRG meeting scheduled for Monday, January 25, 2016 has been scheduled from **4:00 to 5:00 in EEOB 428.**

The meeting will be held at the **UNCLAS** level. Please send WAVES information via <https://events.whitehouse.gov/form?rid=M9W24RG9C8>, **NLT 5:00 P.M., Sunday, January 24.**

Attendance should be confirmed to Neil Noronha
(Neil_J_Noronha@nsc.eop.gov) by **5:00 P.M., Sunday, January 24.** Space is
limited, please **limit attendance to one primary, and one backbench.**

****ATTENTION HUD AND DOI** PLEASE IDENTIFY A REPRESENTATIVE
FROM FHA AND USGS, RESPECTIVELY, TO ATTEND THIS RESTRICTED
DRG.**

**RESTRICTED DOMESTIC RESILIENCE GROUP INTERAGENCY POLICY
COMMITTEE MEETING**

DATE: January 25, 2016

LOCATION: EEOB 428

TIME: 4:00 p.m. – 5:00 p.m.

AGENDA

- I. Situational UpdateHHS
- II. Status of Unified Coordination Group.....FEMA
- III. Update on Agency Roles and Capabilities.....All
- IV. Planning of Way Forward.....HHS
- V. Closing Remarks.....NSC

**Agency representatives should be prepared to discuss their capabilities
and capacities regarding this event and recommended requests that
could be proposed by the city, county, or State.**

Thank you for your understanding and cooperation given this quick turnaround!

Sincerely,

Peter Gautier

Senior Director for Response Policy

National Security Council Staff

<DRG MASTER DRAFT DOCUMENT v2- USG FLINT Senior Leadership Brief
25JAN20....docx>

To: Darman, Leslie[Darman.Leslie@epa.gov]; Viveiros, Edward[Viveiros.Edward@epa.gov]
Cc: Banks, Victoria[Banks.Victoria@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Moriarty, Edward
Sent: Thur 1/28/2016 1:11:52 PM
Subject: RE: Concurrence Review Request

Attorney Client Deliberative Process / Ex. 5

Thank you,

Ed

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

From: Darman, Leslie
Sent: Wednesday, January 27, 2016 4:27 PM
To: Moriarty, Edward; Viveiros, Edward
Cc: Banks, Victoria; Wehling, Carrie
Subject: RE: Concurrence Review Request

Attorney Client Deliberative Process / Ex. 5

Attorney Client Deliberative Process / Ex. 5

Leslie Darman

Office of General Counsel

Water Law Office

202-564-5452

From: Moriarty, Edward

Sent: Wednesday, January 27, 2016 4:00 PM

To: Darman, Leslie <Darman.Leslie@epa.gov>; Viveiros, Edward
<Viveiros.Edward@epa.gov>

Cc: Banks, Victoria <Banks.Victoria@epa.gov>

Subject: RE: Concurrence Review Request

Attorney Client Deliberative Process / Ex. 5

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

From: Darman, Leslie
Sent: Wednesday, January 27, 2016 3:49 PM
To: Moriarty, Edward; Viveiros, Edward
Cc: Banks, Victoria
Subject: RE: Concurrence Review Request

Attorney Client Deliberative Process / Ex. 5

Leslie Darman

Office of General Counsel

Water Law Office

202-564-5452

From: Moriarty, Edward
Sent: Wednesday, January 27, 2016 3:11 PM
To: Darman, Leslie <Darman.Leslie@epa.gov>; Viveiros, Edward
<Viveiros.Edward@epa.gov>
Cc: Banks, Victoria <Banks.Victoria@epa.gov>
Subject: RE: Concurrence Review Request

Hi Leslie,

How are you doing? Hopefully you weren't too badly impacted by the snow.

Attorney Client Deliberative Process / Ex. 5

Ed

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

From: Darman, Leslie
Sent: Monday, January 11, 2016 9:47 AM
To: Viveiros, Edward
Cc: Moriarty, Edward; Banks, Victoria
Subject: RE: Concurrence Review Request

Sounds good.

Leslie Darman

Office of General Counsel

Water Law Office

202-564-5452

From: Viveiros, Edward
Sent: Monday, January 11, 2016 9:39 AM
To: Darman, Leslie <Darman.Leslie@epa.gov>

Cc: Moriarty, Edward <Moriarty.EdwardJ@epa.gov>; Banks, Victoria
<Banks.Victoria@epa.gov>
Subject: RE: Concurrence Review Request

Hi Leslie,

Attorney Client Deliberative Process / Ex. 5

Thanks,

Eddy

Edward Viveiros

Environmental Engineer

OW/OGWDW/DWPD/PB

U.S. Environmental Protection Agency

viveiros.edward@epa.gov

(202) 564-4946

From: Darman, Leslie
Sent: Monday, January 11, 2016 9:03 AM
To: Viveiros, Edward <Viveiros.Edward@epa.gov>
Cc: Moriarty, Edward <Moriarty.EdwardJ@epa.gov>; Banks, Victoria
<Banks.Victoria@epa.gov>
Subject: RE: Concurrence Review Request

Attorney Client Deliberative Process / Ex. 5

Leslie Darman

Office of General Counsel

Water Law Office

202-564-5452

From: Viveiros, Edward

Sent: Thursday, January 07, 2016 3:56 PM

To: Darman, Leslie <Darman.Leslie@epa.gov>

Cc: Moriarty, Edward <Moriarty.EdwardJ@epa.gov>; Banks, Victoria
<Banks.Victoria@epa.gov>

Subject: Concurrence Review Request

Hi Leslie,

Attorney Client Deliberative Process / Ex. 5

Thanks, and cheers,

Eddy

Edward Viveiros

Environmental Engineer

OW/OGWDW/DWPD/PB

U.S. Environmental Protection Agency

viveiros.edward@epa.gov

(202) 564-4946

To: Maso, Carmen[maso.carmen@epa.gov]; Kauth, Paisly[Kauth.Paisly@epa.gov]
Cc: Krysa, Jan[krysa.jan@epa.gov]
From: Bosscher, Valerie
Sent: Thur 1/28/2016 1:14:28 PM
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy
USEPA Field Sampling in Flint-DRAFT#2.docx

Carmen and Paisly,

Deliberative Process / Ex. 5 to send this
to Tinka by 8am.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 10:40 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Attached are my revisions following Val's last version. Val, you can keep working on this version in the morning. We will want to have Andrea's and if possible Tom's input on whether this appears to meet the needs of the request. We can also plan to show Tinka something early tomorrow for feedback too.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 9:22 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Please see attached. I will fill in more on the reporting items tomorrow morning.

From: Bair, Rita

Sent: Wednesday, January 27, 2016 7:17 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Here's what I have as a rough skeleton for formatting. Still needs lots of work. Val said she would take the next crack at it and then route again when she is done.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 7:01 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bosscher, Valerie

Sent: Wednesday, January 27, 2016 6:36 PM

To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Additions below.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 5:38 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

From: Maraldo, Dean
Sent: Wednesday, January 27, 2016 5:26 PM
To: Durno, Mark <durno.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

=====

Dean Maraldo
Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)
Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

From: Durno, Mark
Sent: Wednesday, January 27, 2016 4:47 PM
To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy

Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Porter, Andrea[porters.andrea@epa.gov]
From: Bosscher, Valerie
Sent: Thur 1/28/2016 1:28:45 PM
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy
USEPA Field Sampling in Flint-DRAFT#2.docx

Input requested from GIS and regarding pages 1 and 2.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 10:40 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Porter, Andrea <porters.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Attached are my revisions following Val's last version. Val, you can keep working on this version in the morning. We will want to have Andrea's and if possible Tom's input on whether this appears to meet the needs of the request. We can also plan to show Tinka something early tomorrow for feedback too.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 9:22 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porters.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

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From: Bair, Rita
Sent: Wednesday, January 27, 2016 7:17 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porters.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Here's what I have as a rough skeleton for formatting. Still needs lots of work. Val said she would take the next crack at it and then route again when she is done.

From: Bosscher, Valerie

Sent: Wednesday, January 27, 2016 7:01 PM

To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 6:36 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Additions below.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 5:38 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

From: Maraldo, Dean
Sent: Wednesday, January 27, 2016 5:26 PM
To: Durno, Mark <durno.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

=====
Dean Maraldo
Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)
Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

From: Durno, Mark
Sent: Wednesday, January 27, 2016 4:47 PM
To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy
Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Lieberman, Richard[Lieberman.Richard@epa.gov]
Cc: Alexander, Matthew[Alexander.Matthew@epa.gov]
From: Dugan, Alison
Sent: Thur 1/28/2016 1:30:41 PM
Subject: FW: Help from AWOP team Thursday morning
[AWOP&CCT.docx](#)
[occt req memo signed pg 2015-11-03-155158 508.pdf](#)
[LCR-QuickRefGuide.pdf](#)

Rick/Matt,

Deliberative Process / Ex. 5

-Alison

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 7:24 AM

To: Alexander, Matthew <Alexander.Matthew@epa.gov>; Dugan, Alison <Dugan.Alison@epa.gov>; Lieberman, Richard <Lieberman.Richard@epa.gov>
Subject: Fwd: Help from AWOP team Thursday morning

More on the subject.

Sent from my iPhone

Begin forwarded message:

From: "Speth, Thomas" <Speth.Thomas@epa.gov>
Date: January 28, 2016 at 7:06:35 AM EST
To: "Grevatt, Peter" <Grevatt.Peter@epa.gov>
Cc: "Carroll, Gregory" <Carroll.Gregory@epa.gov>, "Burneson, Eric" <Burneson.Eric@epa.gov>
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone



Lead and Copper Rule: A Quick Reference Guide

Overview of the Rule

| | |
|---------------------|---|
| Title ¹ | Lead and Copper Rule (LCR) ² , 56 FR 26460 - 26564, June 7, 1991 |
| Purpose | Protect public health by minimizing lead (Pb) and copper (Cu) levels in drinking water, primarily by reducing water corrosivity. Pb and Cu enter drinking water mainly from corrosion of Pb and Cu containing plumbing materials. |
| General Description | Establishes action level (AL) of 0.015 mg/L for Pb and 1.3 mg/L for Cu based on 90 th percentile level of tap water samples. An AL exceedance is not a violation but can trigger other requirements that include water quality parameter (WQP) monitoring, corrosion control treatment (CCT), source water monitoring/treatment, public education, and lead service line replacement (LSLR). |
| Utilities Covered | All community water systems (CWSs) and non-transient non-community water systems (NTNCWSs) are subject to the LCR requirements. |

Public Health Benefits

| | |
|---|---|
| Implementation of the LCR has resulted in | <ul style="list-style-type: none"> Reduction in risk of exposure to Pb that can cause damage to brain, red blood cells, and kidneys, especially for young children and pregnant women. Reduction in risk of exposure to Cu that can cause stomach and intestinal distress, liver or kidney damage, and complications of Wilson's disease in genetically predisposed people. |
|---|---|

Major Monitoring Provisions

Lead and Copper Tap

| | |
|---------------|---|
| Applicability | ► All CWSs and NTNCWSs. |
| Standard | <ul style="list-style-type: none"> CWSs and NTNCWSs must collect first-draw samples at taps in homes/buildings that are at high risk of Pb/Cu contamination as identified in 40 CFR 141.86(a). Number of samples is based on system size (see Table 1). Systems must conduct monitoring every 6 months unless they qualify for reduced monitoring. |
| Reduced | ► See Table 1 for sample number and Table 2 for criteria. |

Water Quality Parameter (WQP)

| | |
|---------------|--|
| Applicability | <ul style="list-style-type: none"> Systems serving > 50,000 people. Systems serving ≤ 50,000 during monitoring periods in which either AL is exceeded. |
| Standard | <ul style="list-style-type: none"> WQP samples at taps are collected every 6 months. WQPs at entry points to distribution system (EPTDS) are collected every 6 months prior to CCT installation, then every 2 weeks. |
| Reduced | ► See Table 1 for sample number and page 2 for criteria. Does not apply to EPTDS WQP monitoring. |

Table 1: Lead and Copper Tap and WQP Tap Monitoring

| Size Category | System Size | Number of Pb/Cu Tap Sample Sites ³ | | Number of WQP Tap Sample Sites ⁴ | |
|---------------|---------------|---|---------|---|---------|
| | | Standard | Reduced | Standard | Reduced |
| Large | > 100K | 100 | 50 | 25 | 10 |
| | 50,001 - 100K | 60 | 30 | 10 | 7 |
| Medium | 10,001 - 50K | 60 | 30 | 10 | 7 |
| | 3,301 - 10K | 40 | 20 | 3 | 3 |
| Small | 501 - 3,300 | 20 | 10 | 2 | 2 |
| | 101 - 500 | 10 | 5 | 1 | 1 |
| | ≤ 100 | 5 | 5 | 1 | 1 |

³ With written State approval, PWSs can collect < 5 samples if all taps used for human consumption are sampled.

⁴ Two WQP tap samples are collected at each sampling site.

Table 2: Criteria for Reduced Pb/Cu Tap Monitoring

| | |
|---------------|--|
| Annual | <ol style="list-style-type: none"> PWS serves ≤ 50,000 people and is ≤ both ALs for 2 consecutive 6-month monitoring periods; or Any PWS that meets optimal WQPs (OWQPs) and is ≤ Pb AL for 2 consecutive 6-month monitoring periods. |
| Triennial | <ol style="list-style-type: none"> PWS serves ≤ 50,000 people and is ≤ both ALs for 3 consecutive years of monitoring; or Any PWS that meets OWQP specifications and is ≤ Pb AL for 3 consecutive years of monitoring; or Any PWS with 90th percentile Pb and Cu levels ≤ 0.005 mg/L and ≤ 0.65 mg/L, respectively, for 2 consecutive 6-month monitoring periods (i.e., accelerated reduced Pb/Cu tap monitoring). |
| Every 9 years | PWS serves ≤ 3,300 people and meets monitoring waiver criteria found at 40 CFR 141.86(g). |

Lead Consumer Notice

Within 30 days of learning the results, all systems must provide individual Pb tap results to people who receive water from sites that were sampled, regardless of whether the results exceed the Pb AL, as required by 40 CFR 141.85(d).

Consumer Confidence Report (CCR)

All CWSs, irrespective of their lead levels, must provide an educational statement about lead in drinking water in their CCRs as required by 40 CFR 141.154. Must be in 2008 CCR (due July 1, 2009) if EPA is Primacy Agency, State adopts the rule by reference automatically, or adopts during 2008. Otherwise, this statement is required in the 2009 CCR (due July 1, 2010).

¹ This document provides a summary of federal drinking water requirements; to ensure full compliance, please consult the federal regulations at 40 CFR 141 and any approved state requirements.

² The June 1991 LCR was revised with the following Technical Amendments: 56 FR 32112, July 15, 1991; 57 FR 28785, June 29, 1992; 59 FR 33860, June 30, 1994.

It was subsequently revised by: the LCR Minor Revisions, 65 FR 1950, January 12, 2000; and the LCR Short-Term Revisions, 72 FR 57782, October 10, 2007.



For additional
information on the LCR

Call the Safe Drinking Water
Hotline at 1-800-426-4791;
visit the EPA Web site at
<http://water.epa.gov/drink>;
or contact your State drinking
water representative.

Treatment Technique and Sampling Requirements if the AL is Exceeded⁵

⁵ Based on 90th percentile level. Multiply number of valid samples by 0.9 (e.g., 10 samples x 0.9 = 9; thus, use 9th highest Pb and Cu test result to compare to AL). For 5 samples, average 4th and 5th highest results. For < 5 samples, use highest result.

Water Quality Parameter (WQP)

| | |
|------------------------|--|
| Applicability | Refer to page 1. |
| Parameters | <ul style="list-style-type: none"> pH, alkalinity, calcium (<i>initial only, unless calcium carbonate stabilization is used</i>), conductivity (<i>initial monitoring only</i>), orthophosphate (<i>if inhibitor is phosphate-based</i>); silica (<i>if inhibitor is silicate-based</i>), and temperature (<i>initial monitoring only</i>). |
| Frequency | <ul style="list-style-type: none"> Systems installing CCT, must conduct follow-up monitoring for 2 consecutive 6-month periods. WQP tap monitoring is conducted every 6 months, EPTDS monitoring increases to every 2 weeks. After follow-up monitoring, State sets OWQP specifications that define optimal CCT. |
| Reduced Tap Monitoring | <ul style="list-style-type: none"> Collect reduced number of sampling sites (see Table 1) if meet OWQPs for 2 consecutive 6-month periods. Collect reduced number of sampling sites at reduced frequency if meet OWQPs for: <ul style="list-style-type: none"> 6 consecutive 6-month monitoring periods can monitor annually; 3 consecutive years of annual monitoring can monitor triennially. |

Public Education (PE)

| | |
|-----------------|---|
| Applicability | <ul style="list-style-type: none"> Systems that exceed the Pb AL (<i>not required if only the Cu AL is exceeded</i>). |
| Purpose | <ul style="list-style-type: none"> Educates consumers about lead health effects, sources, and steps to minimize exposure. |
| Delivery Method | <ul style="list-style-type: none"> CWSs: deliver materials to bill-paying customers and post lead information on water bills, work in concert with local health agencies to reach at-risk populations (children, pregnant woman), deliver to other organizations serving "at-risk" populations, provide press releases, include new outreach activities from list in 40 CFR 141.85(a)(2)(vi), and post to Web site (CWSs serving > 100,000 only). NTNCWSs: posting and distribution to all consumers (can be electronic with State permission). Can apply to CWSs such as hospitals and prisons where population cannot make improvements. |
| Timing | <ul style="list-style-type: none"> Within 60 days <i>after end of monitoring period</i> in which Pb AL was exceeded if not already delivering PE.⁶ Repeat annually except: water bill inserts - quarterly; press releases - 2x/year, and Web posting - continuous. Can discontinue whenever ≤ Pb AL but must recommence if subsequently exceed Pb AL. |

⁶State may allow extension in some situations. Also, State may require approval of message content prior to delivery.

Source Water Monitoring and Source Water Treatment (SOWT)

| | |
|---------------|---|
| Applicability | <ul style="list-style-type: none"> Systems that exceed Pb or Cu AL. |
| Purpose | <ul style="list-style-type: none"> Determine contribution from source water to total tap water Pb and Cu levels and need for SOWT. |
| Timing | <ul style="list-style-type: none"> One set of samples at each EPTDS is due within 6 months of first AL exceedance. System has 24 months to install any required SOWT. State sets maximum permissible levels (MPLs) for Pb and Cu in source water based on initial and follow-up source water monitoring. |
| Standard | <ul style="list-style-type: none"> Ground water PWSs monitor once during 3-year compliance periods; surface water PWSs monitor annually. |
| Reduced | <ul style="list-style-type: none"> Monitor every 9 years if MPLs are not exceeded during 3 consecutive compliance periods for ground water PWSs or 3 consecutive years for surface water PWSs. |

Corrosion Control Treatment (CCT)

| | |
|---------------|---|
| Applicability | <ul style="list-style-type: none"> All large systems except those meeting requirements of 40 CFR 141.81(b)(2) or (b)(3). Medium and small systems that exceed either AL; may stop CCT steps if ≤ both ALs for 2 consecutive 6-month periods but must recommence CCT if subsequently exceed either AL. |
| Study | <ul style="list-style-type: none"> All large systems except as noted above. If State requires study for small or medium systems, it must be completed within 18 months. |
| Treatment | <ul style="list-style-type: none"> Once State determines type of CCT to be installed, PWS has 24 months to install. Systems installing CCT must conduct 2 consecutive 6 months of follow-up tap and WQP monitoring. |
| OWQPs | <ul style="list-style-type: none"> After follow-up Pb/Cu tap and WQP monitoring, State sets OWQPs. <i>Refer to WQP section above.</i> |

Lead Service Line Replacement (LSLR)

| | |
|---------------|--|
| Applicability | <ul style="list-style-type: none"> Systems that continue to exceed the Pb AL after installing CCT and/or SOWT. Can discontinue LSLR whenever ≤ Pb AL in tap samples for 2 consecutive 6-month monitoring periods; must recommence if subsequently exceed. |
| Monitoring | <ul style="list-style-type: none"> Optional: Sample from LSL to determine if line must be replaced. If all samples are ≤ 0.015 mg/L, line is considered "replaced through testing"; must reconsider these lines if Pb AL is subsequently exceeded. Required: Sample from any LSLs not completely replaced to determine impact on Pb levels. |
| Replacement | <ul style="list-style-type: none"> Must replace at least 7% of LSLs annually; State can require accelerated schedule. If only portion of LSL is replaced, PWS must: <ul style="list-style-type: none"> Notify customers at least 45 days prior to replacement about potential for increased Pb levels. Collect samples within 72 hours of replacement and provide results within 3 days of receipt. |

To: Greene, Ashley[Greene.Ashley@epa.gov]
Cc: Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]
From: Bergman.Ronald@epa.gov
Sent: Thur 1/28/2016 1:34:27 PM
Subject: Re: Initial list of items for JB briefing book

Not until we talk to Joel tomorrow.

Sent from my iPhone

On Jan 28, 2016, at 8:33 AM, Greene, Ashley <Greene.Ashley@epa.gov> wrote:

Are you all expecting to make any more changes to this?

From: Bergman, Ronald
Sent: Wednesday, January 27, 2016 11:44 AM
To: Greene, Ashley <Greene.Ashley@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Subject: RE: Initial list of items for JB briefing book

From: Greene, Ashley
Sent: Wednesday, January 27, 2016 10:54 AM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Initial list of items for JB briefing book

Do you have the final version of the "Briefing materials for JB on national review of implementation of LCR planned by OGWDW"?

Thanks,

Ashley

From: Burneson, Eric

Sent: Wednesday, January 27, 2016 9:27 AM

To: Greene, Ashley <Greene.Ashley@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Perkinson, Russ <Perkinson.Russ@epa.gov>

Cc: Huff, Lisa <Huff.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Fultz, Christopher <Fultz.Christopher@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Helm, Erik <Helm.Erik@epa.gov>; Damico, Brian <Damico.Brian@epa.gov>; Ellis, Jerry <Ellis.Jerry@epa.gov>; Smith, Lameka <Smith.Lameka@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>

Subject: RE: Initial list of items for JB briefing book

Here are my annotations to the list with some specific items that I believe we should include in the book for Joel. I understand that Victoria Banks is going to be helping from DWPD so I have looped her into this email chain.

From: Burneson, Eric

Sent: Wednesday, January 27, 2016 9:07 AM

To: Greene, Ashley <Greene.Ashley@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Perkinson, Russ <Perkinson.Russ@epa.gov>

Cc: Huff, Lisa <Huff.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Fultz, Christopher <Fultz.Christopher@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Helm, Erik <helm.erik@epa.gov>; Damico, Brian <Damico.Brian@epa.gov>; Ellis, Jerry <Ellis.Jerry@epa.gov>; Smith, Lameka <Smith.Lameka@epa.gov>

Subject: RE: Initial list of items for JB briefing book

Russ Perkinson will be on point since he is one of the few people here this morning. Russ your assignment is to find out from Ashley which of the items below she does not have already and to obtain those items from the LCR team (copied on this email). Once the items are assembled you need to help Ashley assemble Joel's briefing book.

All this is a top priority this morning so please focus your efforts on getting a book prepared for Joel by noon today.

Thanks

From: Grevatt, Peter

Sent: Wednesday, January 27, 2016 7:57 AM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Greene, Ashley <Greene.Ashley@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Davis, CatherineM <Davis.CatherineM@epa.gov>; Bissonette, Eric <Bissonette.Eric@epa.gov>; Cooper, Tiffany <Cooper.Tiffany@epa.gov>

Cc: Clark, Becki <Clark.Beki@epa.gov>

Subject: Initial list of items for JB briefing book

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please let me know what you think is missing from this list. Thanks

Peter Grevatt, Ph.D.

Director, Office of Ground Water and Drinking Water

US EPA

1200 PA Ave., NW

Mail Code 4601 M

Washington, DC 20460

202-564-3750

<File Review plan draft 1-26.docx>

To: Dugan, Alison[Dugan.Alison@epa.gov]
From: Carroll, Gregory
Sent: Thur 1/28/2016 1:36:49 PM
Subject: FW: Help from AWOP team Thursday morning

Alison:

I'll give you a call shortly to discuss this proposed response to Peter.

Greg

DRAFT

Peter:

Deliberative Process / Ex. 5

From: Speth, Thomas
Sent: Thursday, January 28, 2016 7:07 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Carroll, Gregory <Carroll.Gregory@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

To: Maso, Carmen[maso.carmen@epa.gov]; Kauth, Paisly[Kauth.Paisly@epa.gov]
Cc: Krysa, Jan[krysa.jan@epa.gov]
From: Bosscher, Valerie
Sent: Thur 1/28/2016 1:36:01 PM
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy
USEPA Field Sampling in Flint-DRAFT#2.docx

Clarification: specific questions were in the attachment. Context and urgency below.

From: Bosscher, Valerie
Sent: Thursday, January 28, 2016 7:14 AM
To: Maso, Carmen <maso.carmen@epa.gov>; Kauth, Paisly <Kauth.Paisly@epa.gov>
Cc: Krysa, Jan <krysa.jan@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy
Importance: High

Carmen and Paisly,

Deliberative Process / Ex. 5 to send this
to Tinka by 8am.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 10:40 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Attached are my revisions following Val's last version. Val, you can keep working on this version in the morning. We will want to have Andrea's and if possible Tom's input on whether this appears to meet the needs of the request. We can also plan to show Tinka something early tomorrow for feedback too.

From: Bosscher, Valerie

Sent: Wednesday, January 27, 2016 9:22 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Please see attached. I will fill in more on the reporting items tomorrow morning.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 7:17 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Here's what I have as a rough skeleton for formatting. Still needs lots of work. Val said she would take the next crack at it and then route again when she is done.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 7:01 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 6:36 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Additions below.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 5:38 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

From: Maraldo, Dean
Sent: Wednesday, January 27, 2016 5:26 PM
To: Durno, Mark <durno.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

=====
Dean Maraldo
Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)

Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

From: Durno, Mark
Sent: Wednesday, January 27, 2016 4:47 PM
To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy
Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Maso, Carmen[maso.carmen@epa.gov]; Krysa, Jan[krysa.jan@epa.gov]; Kauth, Paisly[Kauth.Paisly@epa.gov]; Anderson, Milo[anderson.milo@epa.gov]; Brody, Tom[brody.tom@epa.gov]
From: Porter, Andrea
Sent: Thur 1/28/2016 1:37:11 PM
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy --> need input from GIS; see attachment
USEPA Field Sampling in Flint-DRAFT#2.docx

We need this before 9am today. Can any of you answer the GIS questions (see attached)?

From: Bosscher, Valerie
Sent: Thursday, January 28, 2016 7:29 AM
To: Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

Input requested from GIS and regarding pages 1 and 2.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 10:40 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

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Sent: Wednesday, January 27, 2016 7:01 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bosscher, Valerie

Sent: Wednesday, January 27, 2016 6:36 PM

To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Additions below.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 5:38 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

From: Maraldo, Dean
Sent: Wednesday, January 27, 2016 5:26 PM
To: Durno, Mark <durno.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

=====

Dean Maraldo
Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)
Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

From: Durno, Mark
Sent: Wednesday, January 27, 2016 4:47 PM
To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy
Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Carroll, Gregory[Carroll.Gregory@epa.gov]
Cc: lieberman.richard@epa.gov[lieberman.richard@epa.gov]
From: Dugan, Alison
Sent: Thur 1/28/2016 1:39:36 PM
Subject: RE: Help from AWOP team Thursday morning
[AWOP&CCT.docx](#)

Actually I drafted something and ran it through Rick. It's attached – but probably too detailed.

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 8:37 AM
To: Dugan, Alison <Dugan.Alison@epa.gov>
Subject: FW: Help from AWOP team Thursday morning

Alison:

I'll give you a call shortly to discuss this proposed response to Peter.

Greg

DRAFT

Peter:

Deliberative Process / Ex. 5

From: Speth, Thomas
Sent: Thursday, January 28, 2016 7:07 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Carroll, Gregory <Carroll.Gregory@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

To: Bending, Padmavati[bending.padmavati@epa.gov]; Berman, Michael[berman.michael@epa.gov]; Melodia, Craig[melodia.craig@epa.gov]; Kawakami, Cynthia[kawakami.cynthia@epa.gov]; Weiler, Eaton[weiler.eaton@epa.gov]; Jackson, Rita[jackson.rita@epa.gov]; Cha, James[cha.james@epa.gov]; Trevino, Jeffery[trevino.jeffery@epa.gov]; Glowacki, Joanna[glowacki.joanna@epa.gov]; Matson, John[matson.john@epa.gov]; Steketee, John[steketee.john@epa.gov]; DeLeon, Jose[deleon.jose@epa.gov]; Vezner, Kris[vezner.kris@epa.gov]; Oviedo, Luis[oviedo.luis@epa.gov]; Fulghum, Mary[fulghum.mary@epa.gov]; Berman, Michael[berman.michael@epa.gov]; Hicks, Nola[hicks.nola@epa.gov]; Nagle, Richard[nagle.richard@epa.gov]; Guenther, Robert[guenther.robert@epa.gov]; Thompson, Robert[thompson.robert@epa.gov]; Estes, Sherry[estes.sherry@epa.gov]; Kaiser, Steven[kaiser.steven@epa.gov]; Perdomo, Susan[perdomo.susan@epa.gov]; Krueger, Thomas[krueger.thomas@epa.gov]; Williams, Thomas[williams.tom@epa.gov]; Valdes, Mary[valdes.mary@epa.gov]; Wagner, William[wagner.william@epa.gov]
From: Cantello, Nicole
Sent: Thur 1/28/2016 1:42:32 PM
Subject: FW: EPA's response team includes 29 response personnel, scientists, water quality experts, community involvement coordinators and other support staff.

If I am sending too much stuff, or you Want to opt out, just let me know.

Best,

Nicole Cantello

Attorney/Advisor

U.S. Environmental Protection Agency

77 West Jackson Boulevard

Chicago, Illinois 60604

312/886-2870

cantello.nicole@epa.gov

This message and any attachments may contain confidential information protected by the attorney-client, attorney work product or other privilege. If you believe that it has been sent to you in error, please reply to the sender that you received the message in error. Then delete it. Thank you.

EPA Response Activities - Update 1/27/16

Release Date: 01/27/2016

Contact Information: Peter Cassell, cassell.peter@epa.gov, 312-859-9614

FLINT, MICH. -- EPA continues to work with drinking water system operators at the city of Flint treatment plant. EPA's response team includes 29 response personnel, scientists, water quality experts, community involvement coordinators and other support staff.

EPA is collecting chlorine samples at locations throughout the city of Flint drinking water system, with a focus on locations that would be the most likely to have lower chlorine levels. EPA will continue to collect samples to ensure that chlorine concentrations in the system are sufficient. Last week, EPA issued a Safe Drinking Water Act Emergency Order to ensure the state and city immediately take actions necessary to protect public health. The Safe Drinking Water Act Emergency Order requires the State of Michigan and City of Flint to take a series of immediate steps to address the drinking water contamination in Flint.

EPA will begin collecting drinking water samples from homeowner drinking water systems of Flint residents to better understand the types of plumbing materials that are of greatest concern for lead in the city's drinking water and to ensure that corrosion control is being restored in the drinking water system. EPA community involvement and sampling teams continue to meet with residents to explain the sampling process and answer questions. At the same time, EPA will also inspect the drinking water systems to determine the presence or absence of lead service lines in the water distribution system as it prepares for additional residential sampling.

Samples will be sent to an EPA independent laboratory for analysis and the quality assured results of all the samples collected by EPA will be shared with individual homeowners and will be posted on EPA's website. EPA will ensure removal of any personal information from the quality assured results and will post data as soon as it becomes available to EPA. Quality assured results are typically available in less than 30 days.

EPA recommends that residents continue to use filters or drink bottled water and if necessary, contact their local health provider to have themselves or their children tested for lead. EPA will continue to work with the City of Flint to monitor drinking water quality and to ensure the public is receiving up to date information.

EPA information is available at www.epa.gov/flint and Spanish language information is being provided online.

To: Speth, Thomas[Speth.Thomas@epa.gov]; Grevatt, Peter[Grevatt.Peter@epa.gov]
Cc: Burneson, Eric[Burneson.Eric@epa.gov]; Dugan, Alison[Dugan.Alison@epa.gov]; Alexander, Matthew[Alexander.Matthew@epa.gov]; Lieberman, Richard[Lieberman.Richard@epa.gov]
From: Carroll, Gregory
Sent: Thur 1/28/2016 1:50:36 PM
Subject: RE: Help from AWOP team Thursday morning

Peter:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Greg

From Alison:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Speth, Thomas
Sent: Thursday, January 28, 2016 7:07 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Carroll, Gregory <Carroll.Gregory@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

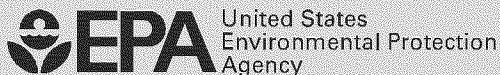
On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

Flint Residents:

Ways You Can Protect Your Drinking Water



EPA recommends that all residents use either bottled water or cold water that has been through a water filter certified to remove "total lead" for drinking, cooking and making baby formula until further notice. This is especially important for pregnant women, infants and children.

Normally, EPA recommends running your water when it has not been used for long periods of time. However, the protective coating within the service lines is still being built up following Flint's return to water from the Great Lakes Water Authority and the stability of this growing coating is hard to know throughout the water system.

EPA and the Centers for Disease Control and Prevention believe there is no safe level of lead exposure. Lead is harmful to health, especially for children. While paint, dust, and soil are the most common sources of lead, infants who consume mostly mixed formula can receive 40 to 60 percent of their exposure to lead from drinking water.

Contact:

EPA's Safe Drinking Water Hotline (800)426-4791

HHS contact or CDC contact

City of Flint Water Plant at 810-787-6537

Important Tips

- ☐ **Do not** drink water directly out of the tap or a water fountain
- ☐ **Do** drink bottled water or cold water that has been through a filter
- ☐ **Do not** cook or make baby formula with unfiltered water
- ☐ **You can** wash your hands with unfiltered water
- ☐ **You can** bath and shower in the water

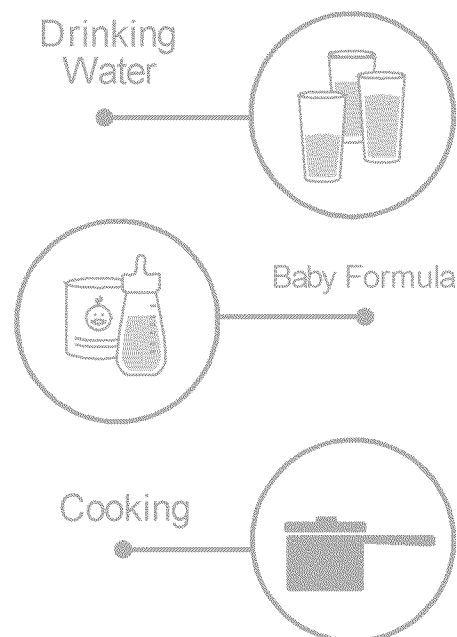
* Children under 6 and pregnant women should consider getting tested for lead



Cold Filtered Water or Bottled Water

Until further notice:

U.S.EPA recommends that all residents use either bottled water or cold water that has been through a water filter certified to remove "total lead" for drinking, cooking and making baby formula. This is especially important for pregnant women, infants and children.





Reduce Lead in Drinking Water

- ☐ **Have your water tested.**
Flint residents can have their water tested for free by calling the City of Flint Water Plant at 810-787-6537, then press 1. Flint residents may email flint-water@cityofflint.com
- ☐ **Be aware of any work that could disturb your lead service line**, such as water main replacement, lead service line rU.S.EPAir or replacement of part of the service line.
- ☐ **On a regular basis clean and remove any debris from faucet aerators** to clear out any particles of lead that may become trapped in the aerator.
- ☐ **Purchase lead-free faucets and plumbing components.**
- ☐ **Remove the entire lead service line.**

Collecting water samples

If you are having your water tested for lead, it's important that you collect water samples in a specific way to ensure accurate results. The sampling recommendations and instructions depend on whether you have a lead service line or not. Testing the water for homes with lead service lines is more complex than for homes without a lead service line, so there are different sampling instructions for each situation.

See www.epa.gov/flint for more information on testing.

Flint Drinking Water Federal Response

On January 16, 2016, President Obama signed an emergency declaration ordering federal assistance to support state and local response efforts in Flint, Michigan. The Department of Health and Human Services (HHS) has been designated the lead federal agency responsible for coordinating federal government response and recovery efforts.

In collaboration with the Federal Emergency Management Agency (FEMA), HHS will identify and mobilize the capabilities of the rest of the federal partners – including the Small Business Administration, the Environmental Protection Agency (U.S.EPA), and the Departments of Housing and Urban Development (HUD), Education and Agriculture (USDA) –that are already working to help residents in Flint.

The goal of the federal response is to help state and local leaders identify the size and scope of the problem, and work with them to make and execute a plan for mitigation of the short- and long-term health effects of lead exposure.

Task Force Reconnecting the Flint Drinking Water System to a New Source

On October 16, 2015, U.S.EPA established the Flint Safe Drinking Water Task Force to provide the Agency's technical expertise through regular dialogue with designated officials from Michigan Department of Environmental Quality and the City of Flint. The Task Force will assist with developing and implementing a plan to secure water quality, including measures to optimize corrosion control.

On Monday, January 25, U.S.EPA teams arrived in Flint to work with City residents to begin collecting lead samples. Initial samples will be used to confirm that lead is being removed by water filters. U.S.EPA will then collect drinking water samples with Flint residents to better understand the types of plumbing materials that are of greatest concern for lead in the city's drinking water and to ensure that corrosion control is being restored in the drinking water system.

Water samples will be collected by residents in coordination with U.S.EPA and MDEQ using wide-mouth bottles, as recommended by U.S.EPA's Flint Lead Task Force. After the samples are collected, they will be sent to an U.S.EPA laboratory for analysis and the results of the all the samples collected by U.S.EPA will be posted on U.S.EPA's website at: www.U.S.EPA.gov/flint. U.S.EPA will ensure to remove any personal information from the results and will post the data as soon as it becomes available.

U.S.EPA stresses that there is no level of lead that is considered safe. U.S.EPA recommends that residents continue to use filters or drink bottled water and if necessary, contact their local health provider to have themselves or their children tested for lead. U.S.EPA will continue to work with the City of Flint to monitor drinking water quality and to ensure the public is receiving up to date information.

In cooperation with:



To: Cooper, Brian[cooper.brian@epa.gov]
Cc: Bosscher, Valerie[bosscher.valerie@epa.gov]; Bair, Rita[bair.rita@epa.gov]
From: Porter, Andrea
Sent: Thur 1/28/2016 1:50:52 PM
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy
USEPA Field Sampling in Flint-DRAFT#2.docx

Hi Brian,

Here's draft of the data strawman.

Advice very welcome.

Thanks,

Andrea Porter

Environmental Engineer

Ground Water & Drinking Water Branch

U.S. EPA, Region 5 (WG-15J)

77 W. Jackson Blvd.

Chicago, IL 60604

Phone: 312-886-4427

Fax: 312-697-2656

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Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy
Importance: High

See attached. I still am adding to #5 (Filter Evaluation) and will send you that section shortly.

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Sent: Wednesday, January 27, 2016 5:26 PM
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Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

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Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
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Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

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Sent: Wednesday, January 27, 2016 4:47 PM
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Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
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Hey guys,

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Homeland Security Advisor / Deputy Chief

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Sent: Thur 1/28/2016 1:52:23 PM
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy
USEPA Field Sampling in Flint-DRAFT#2 (Cooper, Brian).docx

From: Porter, Andrea
Sent: Thursday, January 28, 2016 7:50 AM
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Cc: Bosscher, Valerie; Bair, Rita
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Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Carroll, Gregory[Carroll.Gregory@epa.gov]
Cc: Dugan, Alison[Dugan.Alison@epa.gov]
From: Lieberman, Richard
Sent: Thur 1/28/2016 1:59:22 PM
Subject: RE: Help from AWOP team Thursday morning

Greg,

Something to keep in mind as we go forward.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Rick

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 8:51 AM
To: Speth, Thomas <Speth.Thomas@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Dugan, Alison <Dugan.Alison@epa.gov>; Alexander, Matthew <Alexander.Matthew@epa.gov>; Lieberman, Richard <Lieberman.Richard@epa.gov>
Subject: RE: Help from AWOP team Thursday morning

Peter:

Deliberative Process / Ex. 5

Greg

From Alison:

Deliberative Process / Ex. 5

From: Speth, Thomas
Sent: Thursday, January 28, 2016 7:07 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Carroll, Gregory <Carroll.Gregory@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

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Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

To: Porter, Andrea[porters.andrea@epa.gov]
From: Anderson, Milo
Sent: Thur 1/28/2016 2:05:54 PM
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy --> need input from GIS; see attachment

Hi Andrea,

Just got in at 8, looking at this now.

Milo

From: Porter, Andrea
Sent: Thursday, January 28, 2016 7:37 AM
To: Maso, Carmen <maso.carmen@epa.gov>; Krysa, Jan <krysa.jan@epa.gov>; Kauth, Paisly <Kauth.Paisly@epa.gov>; Anderson, Milo <anderson.milo@epa.gov>; Brody, Tom <brody.tom@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy --> need input from GIS; see attachment

We need this before 9am today. Can any of you answer the GIS questions (see attached)?

From: Bosscher, Valerie
Sent: Thursday, January 28, 2016 7:29 AM
To: Porter, Andrea <porters.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

Input requested from GIS and regarding pages 1 and 2.

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Deliberative Process / Ex. 5

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Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy --> new draft; do you know cl data source?
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Hi Brian,

Attached is a new draft based on discussion with Jan Krysa. Only small modifications.

Last outstanding question:

Deliberative Process / Ex. 5

We think check-in meeting is at 10amET/9amCT. Let us know if we have the time wrong.

Thanks,

Andrea Porter

Environmental Engineer

Ground Water & Drinking Water Branch

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See attached in tracked changes, additions from GIS team regarding PII and additions to the last 2 sections.

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To: Durno, Mark <durno.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

=====
Dean Maraldo
Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)

Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

From: Durno, Mark
Sent: Wednesday, January 27, 2016 4:47 PM
To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy
Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Smith, Gerald (MDH)[Gerald.Smith@state.mn.us]
From: Kuefler, Janet
Sent: Thur 1/28/2016 2:16:20 PM
Subject: RE: reply requested, question on lead

No, I hadn't. Will share.

Janet Kuefler

Ground Water and Drinking Water Branch

State Programs Team Leader

United States Environmental Protection Agency, Region 5

77 West Jackson Blvd. (WG-15J)

Chicago, Illinois 60604

(312) 886-0123

kuefler.janet@epa.gov

From: Smith, Gerald (MDH) [mailto:Gerald.Smith@state.mn.us]
Sent: Thursday, January 28, 2016 6:28 AM
To: Kuefler, Janet <kuefler.janet@epa.gov>
Subject: FW: reply requested, question on lead

Good morning Janet

Have you seen the articles the Guardian?

Thanks

Jerry

http://www.theguardian.com/environment/2016/jan/22/water-lead-content-tests-us-authorities-distorting-flint-crisis?CMP=share_btn_link

From: Kuefler, Janet [<mailto:kuefler.janet@epa.gov>]
Sent: Wednesday, January 27, 2016 9:23 PM
To: Schliep, Anna (MDH) <Anna.Schliep@state.mn.us>; Rezania, Lih-in W. (MDH) <lih-in.rezania@state.mn.us>; Spielman, Rochelle (MDH) <Rochelle.Spielman@state.mn.us>; Mohan, Krishna (MDH) <krishna.mohan@state.mn.us>
Cc: Smith, Gerald (MDH) <Gerald.Smith@state.mn.us>; Peterson, Karla (MDH) <karla.peterson@state.mn.us>; Smude, Robert (MDH) <Robert.Smude@state.mn.us>; Ellingboe, Randy (MDH) <randy.ellingboe@state.mn.us>
Subject: reply requested, question on lead

Hi—

We have been getting questions at the Region from the press and others related to all of our States practices in responding to lead action level exceedances, so I have been asked to quickly put together a summary.

The level of detail I would appreciate is something to the effect of this summary (which is my first attempt at trying to generalize the overall process, but is not specific to MN.)

Deliberative Process / Ex. 5

Thanks very much! Please feel free to call or e-mail me if you need additional information.

Janet Kuefler

Ground Water and Drinking Water Branch

State Programs Team Leader

United States Environmental Protection Agency, Region 5

77 West Jackson Blvd. (WG-15J)

Chicago, Illinois 60604

(312) 886-0123

kuefler.janet@epa.gov

To: Porter, Andrea[porters.andrea@epa.gov]; Maso, Carmen[maso.carmen@epa.gov]; Krysa, Jan[krysa.jan@epa.gov]; Anderson, Milo[anderson.milo@epa.gov]; Brody, Tom[brody.tom@epa.gov]
Cc: Bosscher, Valerie[bosscher.valerie@epa.gov]
From: Kauth, Paisly
Sent: Thur 1/28/2016 2:16:59 PM
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy --> need input from GIS; see attachment

I just got in at 8am, working with Brian Cooper.

-P.

From: Porter, Andrea
Sent: Thursday, January 28, 2016 7:37 AM
To: Maso, Carmen; Krysa, Jan; Kauth, Paisly; Anderson, Milo; Brody, Tom
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy --> need input from GIS; see attachment

We need this before 9am today. Can any of you answer the GIS questions (see attached)?

From: Bosscher, Valerie
Sent: Thursday, January 28, 2016 7:29 AM
To: Porter, Andrea <porters.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

Input requested from GIS and regarding pages 1 and 2.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 10:40 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Porter, Andrea <porters.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Attached are my revisions following Val's last version. Val, you can keep working on this version in the morning. We will want to have Andrea's and if possible Tom's input on whether this appears to meet the needs of the request. We can also plan to show Tinka something early tomorrow for feedback too.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 9:22 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Please see attached. I will fill in more on the reporting items tomorrow morning.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 7:17 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Here's what I have as a rough skeleton for formatting. Still needs lots of work. Val said she would take the next crack at it and then route again when she is done.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 7:01 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 6:36 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Additions below.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 5:38 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

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Sent: Wednesday, January 27, 2016 5:26 PM
To: Durno, Mark <durno.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

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Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)
Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
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From: Durno, Mark
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To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy
Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Banks, Victoria[Banks.Victoria@epa.gov]; Viveiros, Edward[Viveiros.Edward@epa.gov]
From: Goldberg, Michael
Sent: Thur 1/28/2016 2:24:56 PM
Subject: RE: WSJ

Here's the full text if you're interested

Flint Water Crisis Shines Light on Lead Pipes Across U.S.

Michigan city's woes expose the danger of aging infrastructure; replacing old pipes is difficult and costly

Flint resident Keri Webber and her family try to use tap water as little as possible because of lead contamination. *PHOTO: TIM GALLOWAY FOR THE WALL STREET JOURNAL*

By
CAMERON MCWHIRTER and

KRIS MAHER

Jan. 28, 2016 5:33 a.m. ET

50 COMMENTS

The water crisis in Flint, Mich., has exposed the danger that lead could potentially leach into the drinking water of millions of Americans, showing what can go wrong if aging infrastructure isn't properly monitored and maintained.

Lead is common in pipes across the country, mostly in service lines linking street pipes to people's homes. Millions of pipes now in use were installed well before 1986, when federal law banned lead pipes and solder, and some date back to the 1800s.

The price tag just to dig up and replace as many as eight million lead service lines into homes and businesses could easily reach tens of billions of dollars. The task is complicated by the fact that utilities and cities often don't know where such lines are buried. And tens of millions of other water lines have lead solder or fixtures that also can contaminate drinking water.

The Flint crisis began when the city switched to a new water source in April 2014 to cut costs. The highly corrosive water from the Flint River ate away at the protective lining in old pipes, laying bare lead that leached into the water supply. The corrosive water wasn't

treated, and the high levels of lead weren't reported to the public for roughly 18 months. Investigations are under way into whether laws were broken.

Even though Flint has switched back to using Detroit water, it's still not safe to drink. The city is now adding phosphate to coat the pipes, as many municipalities do, and authorities say the lead levels are dropping at residents' taps. In the meantime, residents are advised to drink bottled water or use a filter to help remove contaminants.

Nationwide, lead solder that seals pipes and joints exists in about 81 million homes, or roughly two-thirds of households, and leaded brass fixtures, another source of contamination, are in the vast majority of homes, said Marc Edwards, an environmental engineering professor at Virginia Tech.

“While Flint is an outlier, it confirms everything that we have been speaking out against for the last 10 years,” said Mr. Edwards, who tested Flint drinking water samples last summer, revealing high lead levels.

The crisis comes as the Environmental Protection Agency is working on revising the primary federal regulation aimed at protecting Americans from lead in drinking water. Children are especially vulnerable to even small amounts of lead, which can damage developing brains.

Experts generally agree that the lead service lines that connect water mains to homes are a leading culprit for lead contamination in water and need to be removed.

“It's going to be a huge financial challenge,” said G. Tracy Mehan III, executive director for governmental affairs at American Water Works Association, a trade group representing 4,000 utilities across the U.S., not including Flint's. Just 2% of water utilities surveyed by the group last year said they had all the financial resources to cover future pipeline upgrades, which would include replacing lead pipes and fixtures.

Replacing Flint's lead lines, solder and joints could take 15 years and \$60 million, according to a September estimate by an aide to Gov. Rick Snyder. On Wednesday, the governor said it was too soon to estimate the cost.

ENLARGE

Water is tested at the home of Flint residents Keri and Michael Webber. *PHOTO: TIM GALLOWAY FOR THE WALL STREET JOURNAL*

Flint residents Keri and Michael Webber, who have two daughters, ages 16 and 20, have been using bottled water for drinking, cooking and brushing their teeth, using tap water as little as possible.

“It's a total nightmare,” said Mr. Webber, 45 years old, who said his blood pressure has gone up because of the contaminated water. He takes only occasional, brief showers now, he said: “In and out, as cold as you can stand it.” Hot water leaches more lead from pipes.

Ricky Greene, 59, lives in northwest Flint and is eager to have the lead service line in front of his house replaced. Twice a day, Mr. Greene, a retired General Motors Co. worker, and his wife Sandra, 60, heat 30 bottles of water and carry them to the bathroom to wash. Even so, a rash on his back that Mr. Greene believes he got from drinking and bathing in lead-contaminated water last year, has yet to fade.

“We haven't heard anything about having the service lines replaced or compensating the people for getting it done,” he said. “It's just bottled water, bottled water. The Band-Aid is running thin.”

The Flint River flows through Flint, Mich. Even though the city has switched back to using Detroit water rather than water from the Flint River, it's still not safe to drink. *PHOTO: BILL PUGLIANO/GETTY IMAGES*
Lead contamination in the water supply has cropped up elsewhere, though on a smaller scale than in Flint.

This month, Milwaukee suspended all water main replacement projects that include lead service lines to nearby buildings. Tests showed the construction increased lead levels in the water going into several homes, according to Milwaukee Water Works.

In Sebring, Ohio, schools were closed for several days this week after environmental regulators told residents that the operator of a local water system had failed to warn its 8,100 customers of high lead and copper levels.

In 2011 and 2012, a study by the EPA tested 32 Chicago homes with lead service lines for lead contamination in the water. It found that the EPA-sanctioned procedure to sample water

“systematically misses the high lead levels and potential human exposure.” The EPA advised Chicago residents to get their lines tested and if lead was found, to purchase a water filter. It also advised residents only to use cold water for drinking, cooking and preparing baby formula.

In the early 2000s, widespread lead contamination was discovered in Washington, D.C., after the district's drinking-water disinfectant changed from chlorine to chloramine, causing lead to leach into the water. The district's water utility provides water from the Potomac River to 660,000 residents and several million people who work in and visit the district daily.

Lead levels in the water system rose above 15 parts per billion, the action level set by the EPA. The water authority was required to inform the public about the contamination and replace lead service lines within the system.

“It was very similar to what happened in Flint,” said George S. Hawkins, chief executive of the District of Columbia Water and Sewer Authority. The authority purchases treated water from another entity owned by the Army Corps of Engineers and distributes it to customers.

Mr. Hawkins said the authority has been working hard to replace these lines. As of 2008, 35,000 of the system's connections were made of lead.

Most of the lead contamination found in the U.S. in recent years comes from paint flaking in older houses, not from drinking water. Data from testing for lead in children in 2014 showed relatively high contamination rates in many parts of the U.S., from Allegheny County, Pa., to Houston County, Ala., according to the Centers for Disease Control and Prevention. However, the CDC's data for much of the country are incomplete.

Environmentalists worried about widespread lead contamination are calling on the EPA to more aggressively enforce and eventually overhaul a 1991 regulation called the Lead and Copper Rule, aimed at preventing lead contamination in drinking water. Under the rule, if more than 10% of home water tests in a system show lead levels above 15 parts per billion, utilities must use chemicals to make water less corrosive, replace lead service lines and notify the public.

“Yes, there are indications there are lead problems more widespread than in Flint, but no, we

don't have comprehensive data across the country that would demonstrate that,” said Erik Olson, director of the health and environment program at the Natural Resources Defense Council. “Because the regulatory system is so loosey goosey, they [water utilities] can avoid finding a problem by testing in a way that doesn't detect it, and then they don't have to fix the problem,” said Mr. Olson. “But, honestly, the drinking water utilities have known for decades the day of reckoning is coming.”

Utilities have been working with the EPA and others to revise rules to eliminate lead in drinking water, said Steve Via, regulatory affairs manager for the American Water Works Association. “I don't think that it's reasonable to say that water utilities are gaming the current rule,” he said.

EPA spokeswoman Monica Lee said Wednesday the agency hopes to publish a proposal revising the rule in 2017 while looking to take steps more immediately that could strengthen it.

A House oversight committee plans to hold the first congressional hearing on Flint's water crisis on Feb. 3.

Many utilities haven't spent enough money to upgrade their water systems, including removing all lead, according to Daniel Van Abs, a water utility expert and human ecology professor at Rutgers University.

Generally, local officials are reluctant to present water customers with steep rate hikes for repairs, or to raise local taxes, Mr. Van Abs said. “This is physics; these pipes are going to break,” he said. Getting public backing for improvements is difficult because the underground water system is “sight unseen,” he said.

--Amy Harder contributed to this article.

From: Goldberg, Michael

Sent: Thursday, January 28, 2016 9:14 AM

To: Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>

Subject: WSJ

Hey guys,

I want to read the WSJ article that Eric sent in the calendar invite, but you need a subscription to access it. Have you guys read it or have access to the full text? Thanks

Michael

--

Michael Goldberg
U.S. Environmental Protection Agency
Standards and Risk Management Division
Office of Ground Water & Drinking Water
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460
(202) 564-1379

To: Goldberg, Michael[Goldberg.Michael@epa.gov]
Cc: Banks, Victoria[Banks.Victoria@epa.gov]
From: Viveiros, Edward
Sent: Thur 1/28/2016 2:25:33 PM
Subject: RE: WSJ

Thanks, Michael. Nonresponsive

From: Goldberg, Michael
Sent: Thursday, January 28, 2016 9:25 AM
To: Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: RE: WSJ

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Michigan city's woes expose the danger of aging infrastructure; replacing old pipes is difficult and costly

Flint resident Keri Webber and her family try to use tap water as little as possible because of lead contamination. *PHOTO: TIM GALLOWAY FOR THE WALL STREET JOURNAL*

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--Amy Harder contributed to this article.

From: Goldberg, Michael
Sent: Thursday, January 28, 2016 9:14 AM
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Subject: WSJ

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Michael

--

Michael Goldberg
U.S. Environmental Protection Agency
Standards and Risk Management Division
Office of Ground Water & Drinking Water
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460
(202) 564-1379

To: Pollins, Mark[Pollins.Mark@epa.gov]
Cc: Denton, Loren[Denton.Loren@epa.gov]; King, Carol[King.Carol@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Thurmon, Clarke[Thurmon.Clarke@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]
From: Wilson, Shari
Sent: Thur 1/28/2016 2:32:14 PM
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint

Deliberative Process / Ex. 5

Thanks.

Shari

From: Pollins, Mark
Sent: Wednesday, January 27, 2016 11:00 PM
To: Wilson, Shari <Wilson.Shari@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Subject: Re: INPUT NEEDED TONIGHT: EPA Measure for Flint

Loren and I just got into Lansing. Not sure what the measures are flowing into but my immediate concern is what if we pursue a response other than the AO. I am sure others responded by now.

Sent from my iPhone

On Jan 27, 2016, at 7:02 PM, Wilson, Shari <Wilson.Shari@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Natarajan, Nitin
Sent: Wednesday, January 27, 2016 4:16 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>;
Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>;
Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert
<kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>; Wilson, Shari
<Wilson.Shari@epa.gov>; Travers, David <Travers.David@epa.gov>; Tingley, Kevin
<Tingley.Kevin@epa.gov>
Subject: INPUT NEEDED TONIGHT: EPA Measure for Flint

All,

Deliberative Process / Ex. 5

Please let me know sometime TODAY/TONIGHT, if you have any edits/issues.

Thanks in advance!

N

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Nitin Natarajan

Deputy Assistant Administrator

Office of Land and Emergency Management

Environmental Protection Agency

202-566-0200 Office

From: Natarajan, Nitin

Sent: Monday, January 25, 2016 5:20 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>;
Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>;
Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert
<kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>

Subject: Fw: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

All,

Deliberative Process / Ex. 5

I know everybody has a lot on their plate, but if I could ask OW/ORD to take a look and put together some recommendations that we can share with the group prior to us responding back officially, I would appreciate it.

N

Nitin Natarajan
Deputy Assistant Administrator
Office of Land and Emergency Management
Environmental Protection Agency
202-566-0200 Office

From: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Sent: Monday, January 25, 2016 3:35 PM
To: Noronha, Neil J.
Cc: Cramer, Drew; Wood, John; Washington, Russell; Sherman, Will; Gautier, Peter; Pope, Amy; Valocsik-Jackson, Erin; Woods, Olivia
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Please see the attached document for today's meeting.

From: Noronha, Neil J.
Sent: Sunday, January 24, 2016 9:01 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>; Pope, Amy <Amy_E_Pope@nsc.eop.gov>; Valocsik-Jackson, Erin <Erin_L_Valocsik@nsc.eop.gov>; Woods, Olivia <Olivia_M_Woods@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Given tomorrow's closure of the federal government, the Restricted DRG on Flint, Michigan will take place via teleconference. Below is the information for the teleconference.

Phone: 202-395-6392

Nonresponsive Conference Code

Please confirm your attendance to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by tomorrow, Monday January 25, 2016 at 12:00 P.M.

Thank you for your flexibility and cooperation with this matter!

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 4:14 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Apologies for the lack of clarification. This Restricted DRG is about the Flint, Michigan water situation.

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 2:52 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members,

The restricted DRG meeting scheduled for Monday, January 25, 2016 has been scheduled from **4:00 to 5:00 in EEOB 428.**

The meeting will be held at the **UNCLAS** level. Please send WAVES information via <https://events.whitehouse.gov/form?rid=M9W24RG9C8>, **NLT 5:00 P.M., Sunday, January 24.**

Attendance should be confirmed to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by **5:00 P.M., Sunday, January 24.** Space is limited, please **limit attendance to one primary, and one backbench.**

****ATTENTION HUD AND DOI** PLEASE IDENTIFY A REPRESENTATIVE FROM FHA AND USGS, RESPECTIVELY, TO ATTEND THIS RESTRICTED DRG.**

**RESTRICTED DOMESTIC RESILIENCE GROUP INTERAGENCY POLICY
COMMITTEE MEETING**

DATE: January 25, 2016

LOCATION: EEOB 428

TIME: 4:00 p.m. – 5:00 p.m.

AGENDA

- I. Situational UpdateHHS
- II. Status of Unified Coordination Group.....FEMA
- III. Update on Agency Roles and Capabilities.....All
- IV. Planning of Way Forward.....HHS
- V. Closing Remarks.....NSC

Agency representatives should be prepared to discuss their capabilities and capacities regarding this event and recommended requests that could be proposed by the city, county, or State.

Thank you for your understanding and cooperation given this quick turnaround!

Sincerely,

Peter Gautier

Senior Director for Response Policy

National Security Council Staff

<DRG MASTER DRAFT DOCUMENT v2- USG FLINT Senior Leadership Brief
25JAN20....docx>

To: R3 EVERYONE[R3_EVERYONE@epa.gov]; Kline, James[Kline.James@epa.gov]; Gold, Anne[Gold.Anne@epa.gov]; Vowell, Natalie[Vowell.Natalie@epa.gov]; Johnson, Larry-C[Johnson.Larry-C@epa.gov]
From: Seneca, Roy
Sent: Thur 1/28/2016 2:36:18 PM
Subject: EPA Mid-Atlantic Region Headlines -- Thursday, January 28, 2016

EPA Mid-Atlantic Region Headlines

Thursday, January 28, 2016

*** DAILY HOT LIST ***

Flint's lead contamination debate flows into Phila.

PHILADELPHIA INQUIRER The national debate stirred by high levels of lead discovered in the water supply in Flint, Mich., has flowed into Philadelphia. Public health advocates this week said Philadelphia and other cities were failing to follow federal guidelines as they monitor lead levels at high-risk homes. Up to 50,000 homes in Philadelphia are connected to city water mains by lead pipes, according to city officials. Though lead service lines were banned in 1986, they remain in older homes whose owners can't afford to pay for improvements. Water flowing through lead pipes can pick up measurable amounts of the toxic metal. According to the health advocates, the city is using antiquated testing methods that underestimate the amount of lead coursing through the plumbing. There's some merit to their case, said a Philadelphia Water Department official. But there's no reason for alarm. "If you want to panic, there are things to panic about and it's not this," said Gary Burlingame, director of the Water Department's Bureau of Laboratory Services. "Are the testing methods outdated? Yes. Could Flint happen here? No, it couldn't." Flint, Burlingame said, is dealing with a financial emergency, turmoil among city leaders, and a state takeover. Flint's crisis was created in a misguided effort to save money by changing the water source from Lake Huron to the Flint River. High levels of lead pose a serious threat to bottle-fed infants, young children, and pregnant women. Blood-lead levels in children, which are checked by physicians, have been declining in recent years, according to the Pennsylvania Department of Health. One-fourth of Philadelphia children were checked in 2014; the percent with high levels was just above the state average. Children under the age of 6 are especially vulnerable to lead poisoning, which can cause permanent learning disorders and antisocial behavior. Since leaded gasoline was banned decades ago, the biggest source has been crumbling paint chips in homes dating from before 1978, when lead was banned in paint.

Blizzard, salt impact on local water quality

ABC-TV 27 HARRISBURG HARRISBURG, Pa (WHTM) — It's a dramatic sight right now on the south end of Harrisburg's City Island. With the city in full clean up mode from the

weekend blizzard, trucks have been non-stop, scooping trailers full of snow off congested city streets. That snow is then transported to the island, where the snow is piled up in mountainous fashion in the parking lot. While Harrisburg is not unique, in that countless communities across the Midstate are finding creative ways to dig out, it's clear that any snow on City Island will most certainly melt its way directly into the Susquehanna River. "Anything that hitches a ride, that's put on the snow, like salt, it's going to get to the river one way or the other," says Harry Campbell, Executive Director of the Chesapeake Bay Foundation in Harrisburg. According to Campbell, too much salt entering fresh water systems like the Susquehanna and tributary streams can cause problems for plants and wildlife. "The salt can actually cause fish to become stressed and diseased, because they are not used to waters that contain high amounts of chlorides," he explains. "The water essentially becomes almost like salt water in the ocean, and the things that live in freshwater streams are not adapted to that." Species like brook trout and small mouth bass might be especially susceptible, and could even "die off," Campbell says. Eventually, the impact on the water and wildlife will affect humans. Just last week, Pennsylvania announced a reboot of its effort to achieve high standards laid out in the federal Clean Water Act.

DNREC: Delaware's industries continue overall downward trend of toxic releases into environment

WDEL RADIO Delaware's industrial facilities continue to make progress as environmental stewards, according to a report issued by the Department of Natural Resources and Environmental Control (DNREC). The agency has released its 2014 Delaware Toxics Release Inventory and--upon showing an overall 7 percent decrease for harmful releases into the environment (land, air, water)--DNREC's Debra Nielsen, of the Emergency Prevention and Response Section, said the improving data was promising. "We think it's a healthy report," she acknowledged. "Any decrease is good news and certainly the decrease in land releases is substantial." As compared to 2013 figures, the report showed onsite releases to land down 88 percent, to air down 19 percent, and releases to water up slightly (2 percent). "Manufacturing and industrial facilities in Delaware continue to demonstrate that they can keep productivity high and minimize or reduce releases to our environment," DNREC Secretary David Small said in a statement. "Enhanced technology, evolving best practices, the transparency of this TRI data, regulatory requirements, and the public's expectation for cleaner processes have all contributed to the positive trends we have seen since the inception of TRI reporting."

How New Environmental Rules Affect Brunner Island Plant

YORK DISPATCH Recently announced state and federal environmental regulations aimed at coal mining and methane emissions aren't causing concern for Brunner Island Power Plant, according to its owners. Talen Energy, owner of York County's only coal-burning power plant, has no reason to believe the Obama administration's coal moratorium or Democratic Gov. Tom Wolf's methane-reducing efforts will affect operations at the York Haven plant, according to spokesman Todd Martin. President Barack Obama's administration recently imposed a moratorium on new coal leases on federal lands, arguing that the \$1 billion-a-year program must be modernized to ensure a fair financial return to taxpayers and address climate change, according to the Associated Press. Tom Schuster, a spokesman for The Sierra Club, an environmental organization, agreed with Martin's assessment that the moratorium wouldn't affect

Brunner Island because Pennsylvania plants mostly get their coal from privately owned lands in the Appalachian Mountains, he said. Wolf recently announced a strategy to reduce emissions of methane, a greenhouse gas that contributes to climate change and has been linked to health issues. His strategies are aimed at reducing emissions from natural gas well sites, processing facilities, compressor stations and along pipelines, according to his administration's press release. While Brunner Island doesn't currently burn natural gas, Talen Energy announced a \$100 million project last June to turn the plant into a co-fire plant, meaning its three units could run off coal, the cleaner-burning natural gas or both. The company is hoping to complete the project by early 2017.

York County works to help Save the Bay

YORK DAILY RECORD Stakeholders from across the county have indicated their support of efforts to improve stormwater management and reduce waterway pollution. Stakeholders from across the county have indicated their support for the creation of a new governmental entity to lead countywide efforts to improve stormwater management and reduce waterway pollution. On Wednesday, the county decided to pursue that plan. The York County Planning Commission presented its findings in a public survey of as "many people as we could to tell us what they thought" about stormwater management, flooding, pollution and as many topics as possible. The impairment of the Chesapeake Bay is of concern and so the U.S. Environmental Protection Agency "has limited how much pollution Pennsylvania and other states can put into the Bay," wrote John Seitz, of the planning commission, wrote in a newsletter titled "Stormwater Management Solutions: Is it time for an Authority?" in January 2015. Rivers like the Susquehanna, and the tributaries to it including Codorus Creek, flow into the bay. "We've been told in broad context that we have to meet all these reductions in sediment and nitrogen and phosphorous but at the same time counties were told that these were voluntary," said Michael Helfrich, the Lower Susquehanna riverkeeper, in support of the authority at the Wednesday meeting. "The state has to meet certain standards but ... you can't get there without the counties taking action," he added. So, early on I was going around telling counties "United we stand, divided we fall." he said that York County, and in particular its planning commission, has taken the lead in getting ahead of meeting these requirements.

Pittsburgh Water & Sewer Authority flooded with test requests amid lead concerns

PITTSBURGH TRIBUNE REVIEW Customers seeking tests of lead levels in their drinking water have overwhelmed Pittsburgh Water & Sewer Authority and prompted the utility to contract with an outside lab to handle twice the number of requests it usually receives in a year. Jim Good, PWSA's executive director, said Wednesday the authority has received about 50 requests for free lead tests since the Tribune-Review reported a week ago that tests showed lead levels were approaching a federal warning threshold. "We wanted to make sure we could return the results quickly," Good said. The authority typically receives about 25 requests per year. Good stressed that lead is not in the city's water supply naturally, but it can enter the water when it passes through lead pipes and solder in private service lines and plumbing. PWSA last week switched the chemical it uses to prevent lead from leaching into the water supply because of the water crisis in Flint, Mich., where high levels of lead in the water have triggered a federal state

of emergency declaration. U.S. Sen. Bob Casey, D-Scranton, plans to push for legislation to prevent another crisis that would require the Environmental Protection Agency to notify residents of unsafe levels of lead if water providers do not and would allow the agency to report the results of lead monitoring. Tests in 2013, the most recent available, showed the lead level in PWSA's service area was 14.7 parts per billion, three-tenths shy of the 15 parts per billion threshold that would require PWSA to notify customers of lead levels, test annually and re-evaluate how it controls corrosion. The EPA requires PWSA to test every three years. Customers have expressed concerns that lead levels have risen above the 15 parts per billion threshold since 2013. Good said the authority switched from caustic soda to soda ash last week in hopes that the new chemical would do a better job of controlling the pH level of the city's water and its potential corrosiveness.

Searching for Sustainable Solutions to Water Infrastructure Challenges

EPA MID-ATLANTIC HEALTHY WATERS BLOG (By Lori Reynolds) Though clean water is the backbone of our nation's health and economy, the high cost of water infrastructure upgrades, not to mention the even higher long-term cost of delaying these fixes presents a daunting challenge for local officials. One year ago, a Presidential Memorandum directed EPA and other federal agencies to increase collaboration between the private and public sectors to meet this challenge by expanding innovative financing tools and helping communities plan for maintaining water infrastructure and developing new projects. This year, the Water Infrastructure and Resiliency Finance Center marked its one-year anniversary with a panel discussion...

PENNSYLVANIA

PHILADELPHIA INQUIRER

Flint's lead contamination debate flows into Phila. The national debate stirred by high levels of lead discovered in the water supply in Flint, Mich., has flowed into Philadelphia. Public health advocates this week said Philadelphia and other cities were failing to follow federal guidelines as they monitor lead levels at high-risk homes. Up to 50,000 homes in Philadelphia are connected to city water mains by lead pipes, according to city officials. Though lead service lines were banned in 1986, they remain in older homes whose owners can't afford to pay for improvements. Water flowing through lead pipes can pick up measurable amounts of the toxic metal. According to the health advocates, the city is using antiquated testing methods that underestimate the amount of lead coursing through the plumbing. There's some merit to their case, said a Philadelphia Water Department official. But there's no reason for alarm. "If you want to panic, there are things to panic about and it's not this," said Gary Burlingame, director of the Water Department's Bureau of Laboratory Services. "Are the testing methods outdated? Yes. Could Flint happen here? No, it couldn't." Flint, Burlingame said, is dealing with a financial emergency, turmoil among city leaders, and a state takeover. Flint's crisis was created in a misguided effort to save money by changing the water source from Lake Huron to the Flint River. High levels of lead pose a serious threat to bottle-fed infants, young children, and

pregnant women. Blood-lead levels in children, which are checked by physicians, have been declining in recent years, according to the Pennsylvania Department of Health. One-fourth of Philadelphia children were checked in 2014; the percent with high levels was just above the state average. Children under the age of 6 are especially vulnerable to lead poisoning, which can cause permanent learning disorders and antisocial behavior. Since leaded gasoline was banned decades ago, the biggest source has been crumbling paint chips in homes dating from before 1978, when lead was banned in paint.

Mystery of the giant snow pile revealed Where's a good place to dump tons of snow? The corner of Broad Street and Washington Avenue. Which on Wednesday was a slushy South Philadelphia locale, though perhaps not the most stealthy setting for a city administration that's sought to stay silent about its stash. As city plows labored to clear miles of streets Monday, Clarena Tolson, the deputy managing director for infrastructure and transportation, spoke to reporters about what the city does with all the snow it collects: She wasn't telling - or at least not telling where it went. The snow is picked up, transported, and then dumped at undisclosed, city-owned locations, she said. "If we say where," Tolson said, "private companies will go and use them." A Kenney administration representative said snow-dumping sites are distributed throughout the city, all of them on public property. The specific locations are not disclosed for safety and logistical reasons - and the city didn't want private companies dumping snow at these spots. An official with the Philadelphia Industrial Development Corp. (PIDC) confirmed that the giant pile at Broad and Washington was, in fact, the city's snow. Big snow means big disposal problems.

New pipelines help Marcellus gas prices Natural gas from the Marcellus and Utica Shale formations in Pennsylvania, West Virginia and Ohio is trading at less of a discount to national prices after new pipeline projects have come online, the U.S. Energy Information Administration reported Wednesday. While Marcellus natural gas prices are still low compared to national benchmarks, the gap has narrowed this winter, according to EIA. Last July, the price at the Leidy Hub in central Pennsylvania, measured in thousand-cubic feet units, averaged \$1.65 below the benchmark Louisiana price. In December and January, the gap had shrunk to 93 cents. With limited infrastructure to deliver natural gas to consumers, EIA noted the Marcellus region can quickly become oversupplied, causing prices to be discounted. Several pipeline expansion projects have provided new outlets for the gas to get to market. Several large proposed pipeline projects to transport gas to New England, New Jersey and Mid-Atlantic states that are currently undergoing permitting have become the focus of shale-gas opponents.

PITTSBURGH POST-GAZETTE

Do Pennsylvanians face risk of Zika virus? Doctors don't have a vaccine, a treatment or even a solid explanation for the mysterious Zika virus, the mosquito-borne bug zipping through Central and South America. But apart from trips to the affected regions, Pennsylvanians shouldn't face much immediate risk from the high-profile illness, disease researchers said this week. A Zika patient who recovered in New Jersey is among about 20 travelers in the continental United States who appear to have contracted the virus abroad. "They're not going to get it in Pennsylvania right now because we don't have mosquitoes carrying it in Pennsylvania. All the cases will be imported from elsewhere," said Raymond Pontzer, the chief of infectious diseases at UPMC St.

Margaret. While it's unlikely that mosquitoes bearing Zika in warmer climates will show up in Pennsylvania, contagious insects could emerge within weeks in Southern states such as Florida and Texas, experts said. A mosquito species that can harbor the virus already appeared as far north as Washington, D.C., according to researchers at the University of Notre Dame. Such hazards are fueling deeper worries about Zika virus disease, a suspected culprit in thousands of apparent birth defects since October in Brazil. Two faculty members at Georgetown University urged the World Health Organization on Wednesday to focus global attention on the ailment, which analysts fear may spread through the Americas, Asia and Europe.

Marathon, Markwest consider building plant in the Marcellus region Now that their marriage is complete, MarkWest Energy Partners and Marathon Pipeline Partners are getting to the business of combining their interests. Colorado-based MarkWest has a lot of butane to sell. The company said it markets about 75 percent of natural gas liquids produced in the Marcellus and Utica region and butane is one component of that. Marathon Petroleum Corp, the parent company of the pipeline firm that acquired MarkWest for \$15.6 billion last year, is betting on government regulations requiring gasoline to have higher octane ratings. Butane can be refined into alkylate, an octane booster. The companies saw this coming when they announced the merger last year. Marathon CEO Gary Heminger told analysts last July that the dynamic makes MarkWest that much more attractive and opens up the possibility of a standalone alkylate plant in Appalachia. Currently, the product is produced in oil refineries, not in the gas fields, along with a host of other products. "I think it makes sense to manufacture it within the region" Mr. Heminger said in July.

Illinois company mulling new natural gas plant in Elizabeth Township An Illinois energy company is mulling a new natural gas-fired power plant in Elizabeth Township, according to plans for a public hearing scheduled for tomorrow. Chicago-based Invenergy Corp. is "exploring the possibility" of building the plant on a site off Henderson Road, according to the flier for a town hall meeting scheduled for tomorrow night from 7:30 p.m. to 9 p.m. The company and township officials were not immediately available to answer questions. Invenergy has developed wind, solar and natural gas plants capable of generating more than 10,000 megawatts of utility-scale power, according to its website. It's primarily focused on renewable energy: Of its 79 power plant projects, 65 of them are wind farms and seven are solar plants, while seven burn natural gas. Outside of the United States, it has projects in Scotland, Poland and Canada.

PITTSBURGH TRIBUNE REVIEW

Pittsburgh Water & Sewer Authority flooded with test requests amid lead concerns Customers seeking tests of lead levels in their drinking water have overwhelmed Pittsburgh Water & Sewer Authority and prompted the utility to contract with an outside lab to handle twice the number of requests it usually receives in a year. Jim Good, PWSA's executive director, said Wednesday the authority has received about 50 requests for free lead tests since the Tribune-Review reported a week ago that tests showed lead levels were approaching a federal warning threshold. "We wanted to make sure we could return the results quickly," Good said. The authority typically receives about 25 requests per year. Good stressed that lead is not in the city's water supply naturally, but it can enter the water when it passes through lead pipes and solder in private service lines and plumbing. PWSA last week switched the chemical it uses to prevent lead from leaching into the water supply because of the water crisis in Flint, Mich., where high levels of

lead in the water have triggered a federal state of emergency declaration. U.S. Sen. Bob Casey, D-Scranton, plans to push for legislation to prevent another crisis that would require the Environmental Protection Agency to notify residents of unsafe levels of lead if water providers do not and would allow the agency to report the results of lead monitoring. Tests in 2013, the most recent available, showed the lead level in PWSA's service area was 14.7 parts per billion, three-tenths shy of the 15 parts per billion threshold that would require PWSA to notify customers of lead levels, test annually and re-evaluate how it controls corrosion. The EPA requires PWSA to test every three years. Customers have expressed concerns that lead levels have risen above the 15 parts per billion threshold since 2013. Good said the authority switched from caustic soda to soda ash last week in hopes that the new chemical would do a better job of controlling the pH level of the city's water and its potential corrosiveness.

Pittsburgh City Council moves to allow bicyclists on wooded paths in parks Pittsburgh City Council on Wednesday advanced legislation that would permit bicyclists to ride on wooded paths in city parks. A city ordinance that has not been enforced prohibited mountain biking on narrow park trails, said Councilman Corey O'Connor, who sponsored an amendment to the law. Amending the ordinance will clarify where riding is permitted and raise Pittsburgh's status among bicycle enthusiasts, said cycling advocates who appeared before City Council. "A lot of cities now are competing because they want to attract younger workers who want to live in a place where they don't have to fear for their lives to ride a bicycle," said Eric Boerer, advocacy director for Bike Pittsburgh. "This raises Pittsburgh's status as a bike-friendly city." He said bicycle riders have been advocating for a policy change for years, but they didn't press for it because the ordinance was not enforced. Mountain bikers regularly use trails in Frick, Schenley and Riverview parks, Boerer said.

ERIE TIMES NEWS

Public meeting set for Feb. 15 on GAF site redevelopment plan A newly unveiled concept plan regarding the multimillion-dollar redevelopment of the former GAF Materials Corp. site on Presque Isle Bay will be the subject of a Feb. 15 public meeting. Officials from Kidder Wachter Architecture & Design, which created the concept plan, will make a presentation and answer questions. Erie Events officials also will attend the meeting. Erie Events, formerly known as the Erie County Convention Center Authority, owns the former shingle plant site and is overseeing its redevelopment. The concept plan includes retail space for restaurants and offices; residential units; an indoor market featuring local goods; plus parking, bicycle trails, parks and green space, all open to the public and on the waterfront. The 12.5-acre site, known as "Bayfront Place," is adjacent to the Bayfront Convention Center, Sheraton Erie Bayfront Hotel and a new \$54 million Courtyard by Marriott hotel, which will open later this year.

HARRISBURG PATRIOT NEWS

What's wrong with this sickly Pa. black bear? A sickly black bear in western Pennsylvania has the Pennsylvania Game Commission trying to trap the animal in an effort to keep any disease from spreading.

ABC 27 Harrisburg

Blizzard, salt impact on local water quality HARRISBURG, Pa (WHTM) — It's a dramatic sight right now on the south end of Harrisburg's City Island. With the city in full clean up mode from

the weekend blizzard, trucks have been non-stop, scooping trailers full of snow off congested city streets. That snow is then transported to the island, where the snow is piled up in mountainous fashion in the parking lot. While Harrisburg is not unique, in that countless communities across the Midstate are finding creative ways to dig out, it's clear that any snow on City Island will most certainly melt its way directly into the Susquehanna River. "Anything that hitches a ride, that's put on the snow, like salt, it's going to get to the river one way or the other," says Harry Campbell, Executive Director of the Chesapeake Bay Foundation in Harrisburg. According to Campbell, too much salt entering fresh water systems like the Susquehanna and tributary streams can cause problems for plants and wildlife. "The salt can actually cause fish to become stressed and diseased, because they are not used to waters that contain high amounts of chlorides," he explains. "The water essentially becomes almost like salt water in the ocean, and the things that live in freshwater streams are not adapted to that." Species like brook trout and small mouth bass might be especially susceptible, and could even "die off," Campbell says. Eventually, the impact on the water and wildlife will affect humans. Just last week, Pennsylvania announced a reboot of its effort to achieve high standards laid out in the federal Clean Water Act.

YORK DAILY RECORD

York County works to help Save the Bay Stakeholders from across the county have indicated their support of efforts to improve stormwater management and reduce waterway pollution. Stakeholders from across the county have indicated their support for the creation of a new governmental entity to lead countywide efforts to improve stormwater management and reduce waterway pollution. On Wednesday, the county decided to pursue that plan. The York County Planning Commission presented its findings in a public survey of as "many people as we could to tell us what they thought" about stormwater management, flooding, pollution and as many topics as possible. The impairment of the Chesapeake Bay is of concern and so the U.S. Environmental Protection Agency "has limited how much pollution Pennsylvania and other states can put into the Bay," wrote John Seitz, of the planning commission, wrote in a newsletter titled "Stormwater Management Solutions: Is it time for an Authority?" in January 2015. Rivers like the Susquehanna, and the tributaries to it including Codorus Creek, flow into the bay. "We've been told in broad context that we have to meet all these reductions in sediment and nitrogen and phosphorous but at the same time counties were told that these were voluntary," said Michael Helfrich, the Lower Susquehanna riverkeeper, in support of the authority at the Wednesday meeting. "The state has to meet certain standards but ... you can't get there without the counties taking action," he added. So, early on I was going around telling counties "United we stand, divided we fall." he said that York County, and in particular its planning commission, has taken the lead in getting ahead of meeting these requirements. There were nearly 800 responses to the public survey, said Pennsylvania-based Nathan Walker, a senior water resources planner with the British consultancy firm Amec Foster Wheeler. Based on those responses, the commission recommended a countywide authority. Based on the study's recommendations, the York County Board of Commissioners on Wednesday approved a motion for the commission to move forward with a study on how to implement a county authority.

YORK DISPATCH

How New Environmental Rules Affect Brunner Island Plant Recently announced state and federal environmental regulations aimed at coal mining and methane emissions aren't causing

concern for Brunner Island Power Plant, according to its owners. Talen Energy, owner of York County's only coal-burning power plant, has no reason to believe the Obama administration's coal moratorium or Democratic Gov. Tom Wolf's methane-reducing efforts will affect operations at the York Haven plant, according to spokesman Todd Martin. President Barack Obama's administration recently imposed a moratorium on new coal leases on federal lands, arguing that the \$1 billion-a-year program must be modernized to ensure a fair financial return to taxpayers and address climate change, according to the Associated Press. Tom Schuster, a spokesman for The Sierra Club, an environmental organization, agreed with Martin's assessment that the moratorium wouldn't affect Brunner Island because Pennsylvania plants mostly get their coal from privately owned lands in the Appalachian Mountains, he said. Wolf recently announced a strategy to reduce emissions of methane, a greenhouse gas that contributes to climate change and has been linked to health issues. His strategies are aimed at reducing emissions from natural gas well sites, processing facilities, compressor stations and along pipelines, according to his administration's press release. While Brunner Island doesn't currently burn natural gas, Talen Energy announced a \$100 million project last June to turn the plant into a co-fire plant, meaning its three units could run off coal, the cleaner-burning natural gas or both. The company is hoping to complete the project by early 2017.

PA ENVIRONMENT DAILY

Video: DEP's Quigley Speaks To Employees About 2015 Agency Accomplishments DEP Secretary John Quigley Wednesday released a video report to employees of DEP summarizing the agency's 2015 accomplishments. [Click Here](#) to watch the video. [Click Here](#) for a copy of DEP's 2015 Accomplishments Report.

Computer Recycling, Asset Management Conference Feb. 19 Greensburg On February 19 at 1:00 p.m., Commonwealth Computer Recycling will hold Western Pennsylvania's first e-waste and asset management conference focused on the education sector. Held at the firm's corporate headquarters in Greensburg, Westmoreland County. The event will be open to the public on an RSVP basis as there are limited seats available. IT and business professionals at academic institutions are invited to attend to learn more about the legal, environmental, and economic impacts of e-waste and data breaches. The open format discussion will also advise attendees on how to select vendors and how to maximize returns on end-of-life assets.

ASSOCIATED PRESS (Pa.)

Philadelphia water department rebuts report on water testing PHILADELPHIA (AP) — Philadelphia's water department is insisting the city's water is safe to drink and its testing methods are sound after a news report last week accused it of distorting tests. The Jan. 22 report in the Guardian cited Philadelphia as one of a number of U.S. cities that "gamed" water tests to downplay the amount of lead in samples. The city's water department posted a six-page response on its website to address what it called "concerning statements and inaccuracies" in the report. It says the department doesn't ask all customers to flush their pipes before taking a sample, as the Guardian story said. It says they follow "best practices" in sampling approved by the state. The Guardian's report comes as Flint, Michigan, deals with a public health emergency over its lead-contaminated water supply.

DEP Fines Vogel Waste Hauling \$682,500 MARS, Pa. (AP) - The state Department of

Environmental Protection has fined a western Pennsylvania waste hauler \$682,500. The fines apply to four subsidiaries of Vogel Holdings of Mars, which was cited for transporting and storing waste without department approval; exceeding daily waste volumes; failing to control odor and erosion at landfills; leaking waste loads and hauling a prohibited waste product. As part of the settlement, the company dropped an appeal of DEP's refusal to permit expansion of the Tri-County Landfill near Grove City, but can apply again to expand the site about 45 miles north of Pittsburgh. Company vice president Ed Vogel said Wednesday that the company had made personnel changes before the action and had made others since, and officials decided to settle given the increasing costs of contesting the fines.

WASHINGTON, D.C.

WASHINGTON POST

OPM opens additional but limited insurance enrollment for feds The Office of Personnel Management will hold a limited open enrollment period for active federal employees who want to sign up for single plus one health insurance coverage. Self plus one is a new option in the Federal Employees Health Benefits (FEHB) program. It allows enrollees to obtain coverage for themselves and one other family member. In most cases that coverage costs less than family coverage. The limited enrollment period will run from Feb. 1 through Feb. 29. It is available only to active employees. "The Limited Enrollment Period does not apply to annuitants, Temporary Continuation of Coverage (TCC) enrollees, and other individuals who do not participate in premium conversion because they may decrease their enrollment at any time," according to OPM's statement. The agency said premium conversion is a tax benefit that allows federal employees to pay their health insurance premiums on a pre-tax basis, thus reducing their taxable income. It is not available to annuitants. A decrease in coverage to self plus one is the only change that will be permitted. "No changes in plans, no option changes, no increases or other decreases in enrollment are allowed," OPM said. The change to self plus would take effect on the "first day of the first pay period following the one in which the change is requested," OPM said.

Why a bright idea for growing food in the city had to move . . . to the country (Jan. 25) An unseasonably warm sun beamed heat into the refurbished greenhouse more than an hour outside Washington, making it feel like a place where tomatoes might not mind growing, even in mid-December. The plants already reached waist high, rooted in plastic-sheathed blocks of finely woven rock that allow almost all the water to be reused in this hydroponic system. Here, a careful concoction of nutrients and cardboard-box hives filled with bees primed for pollinating would all but guarantee vine-ripeness by February, when the tomatoes will begin appearing in BrightFarms clamshells in 100 Washington-area supermarkets. Virginia's governor had cut the ribbon on this more than \$8 million facility in Culpeper County a couple months before, and a half-dozen employees in BrightFarms T-shirts were already at work tending to vines. Nearby, construction workers put the finishing touches on the larger of two greenhouses totaling 160,000 square feet, where arugula, baby spinach and other lettuce mixes would soon sprout on floating boards. All this — the jobs, the investment, the futuristic food growing — was supposed to be in the District's Ward 8, where, even BrightFarms chief executive Paul Lightfoot admits, "no one

needed it more.” Two dozen greenhouse jobs would have been welcome in the ward with the city’s highest unemployment rate, nearly 15 percent. The facility had the potential to transform a blighted area east of the Anacostia River, turning it into a producer of the healthful food that is often out of reach for its residents.

It’s not just Flint: Poor communities across the country live with ‘extreme’ polluters As national attention focuses on Flint, Mich. — where lead-contaminated water flowed for over a year to a relatively poor, minority community — new research suggests that across the U.S., communities like these are more likely to be exposed to some of the most intense pollution. In a new paper just out in the open-access journal Environmental Research Letters, sociologist Mary Collins of the State University of New York College of Environmental Science and Forestry and two colleagues from the University of Maryland in Annapolis and College Park examined what they term “hyper-polluters”: Industrial facilities that, based on EPA data, generate disproportionately large amounts of air pollution. Then, they cross-referenced the location of these facilities with socio-demographic data from the 2000 census. The result? “We find striking evidence that extreme emitters are likely impacting EJ [environmental justice] communities even more significantly than typical EJ scholarship might predict,” the study said. The study adds to a body of evidence showing that the U.S. continues to struggle when it comes to “environmental justice,” a concept advanced by advocates and researchers to describe the reality that poor and minority communities tend to have disproportionate exposures to environmental hazards.

How cases like Flint destroy public trust in science As the investigation into the water crisis in Flint, Mich., continues to unfold, disturbing reports have arisen that raise questions about the integrity of government science agencies and their possible engagement in scientific misconduct or even outright science denial. It’s a component of the story that may represent the next major blow to public trust...

ASSOCIATED PRESS (D.C.)

DC farm site is ecological disaster (Dec. 23) WASHINGTON (AP) — In May 2013, the mayor of the nation’s capital announced that the city would partner with a produce supplier to build what the company called “the most productive urban farm in the world.” But no one bothered to inspect the site. If they had, they would have found an unlicensed landfill that’s 18 feet deep; 10-foot-high piles of debris including roofing material and insulation; and rusting petroleum containers on the banks of a creek. That’s in addition to what the company and city officials already knew was there: abandoned shipping containers that homeless people use for shelter and a wrecked school bus. The site is so contaminated from years of illegal dumping that a recent survey by the city estimated it would take \$1 million to clean up. Now, a year and a half after Mayor Vincent Gray’s audacious announcement, the mayor is leaving office and the company is likely to walk away from the project — without breaking ground and despite a \$700,000 investment. The neglected parkland chosen for the project is near the Maryland border on the southeastern tip of the District of Columbia, a blighted section of the city. “This is pretty outrageous,” D.C. Councilmember Mary Cheh said after an Associated Press reporter showed her photos of the contamination. “Somebody’s got to be held responsible for this.”

DELAWARE

WILMINGTON NEWS JOURNAL

Blue crabs poised to make comeback in Delaware Last spring and summer, crabs were in short supply and combined with other factors, prices for them peaked at more than \$300 a bushel. Still many factors play into blue crab harvest, abundance and price. The previous two winters, for instance, were extremely cold and there was higher than normal crab mortality in Chesapeake Bay. That drove prices up throughout the region and in Delaware Bay there was a slow start to the season. Crabs are a summer delicacy in Delaware, but last year's prices meant many restaurants and consumers had to cut back, and in some cases do without. But there is good news growing in the sands of the Chesapeake and other nearby waterways: The crabs are coming back. Delaware's projected forecast for the 2016 blue crab harvest is just over 4 million pounds, up 1 million pounds from last year's projection. That should be good news both for the state's commercial fishers and for consumers. State surveys done late last year yielded the highest index of juvenile blue crabs state biologists have seen since 2005-2006, said Michael Grecco, a state shellfish biologist. The index is based on number of young crabs per tow of the survey equipment. "We consistently saw crabs throughout the range," Grecco said. Still many factors play into blue crab harvest, abundance and price. The previous two winters, for instance, were extremely cold and there was higher than normal crab mortality in Chesapeake Bay. That drove prices up throughout the region and in Delaware Bay there was a slow start to the season. Still many factors play into blue crab harvest, abundance and price. The previous two winters, for instance, were extremely cold and there was higher than normal crab mortality in Chesapeake Bay. That drove prices up throughout the region and in Delaware Bay there was a slow start to the season.

WDEL-RADIO

DNREC: Delaware's industries continue overall downward trend of toxic releases into environment Delaware's industrial facilities continue to make progress as environmental stewards, according to a report issued by the Department of Natural Resources and Environmental Control (DNREC). The agency has released its 2014 Delaware Toxics Release Inventory and--upon showing an overall 7 percent decrease for harmful releases into the environment (land, air, water)--DNREC's Debra Nielsen, of the Emergency Prevention and Response Section, said the improving data was promising. "We think it's a healthy report," she acknowledged. "Any decrease is good news and certainly the decrease in land releases is substantial." As compared to 2013 figures, the report showed onsite releases to land down 88 percent, to air down 19 percent, and releases to water up slightly (2 percent). "Manufacturing and industrial facilities in Delaware continue to demonstrate that they can keep productivity high and minimize or reduce releases to our environment," DNREC Secretary David Small said in a statement. "Enhanced technology, evolving best practices, the transparency of this TRI data, regulatory requirements, and the public's expectation for cleaner processes have all contributed to the positive trends we have seen since the inception of TRI reporting."

DELAWARE CAPE GAZETTE

Rehoboth sets path for outfall pipe Rehoboth Beach — The Rehoboth Beach commissioners have mapped out the first major piece of the city's \$52.5 million ocean outfall project. At the

commissioners Jan. 15 meeting, Mayor Sam Cooper laid out the route the pipe will take to carry treated effluent from the city's wastewater treatment plant to the disposal site 6,000 feet off Deauville Beach. Cooper said the pipe would lead from the plant, down State Road to Canal Street, then follow the canal and cross Rehoboth Avenue and finally go through Grove Park and down Henlopen Avenue to Deauville Beach. To cross Rehoboth Avenue, the city's engineers have recommended using the jack-and-bore method of construction. This involves digging a bore pit at a predetermined depth and using a boring machine outfitted with an auger, to build a tunnel to a second pit in Grove Park. The boring machine cuts a path underneath the roadway, so the project won't require open trenches or cause delays or detours on Rehoboth Avenue. Cooper said he anticipates closing Canal Street for a month, but through traffic can generally avoid Canal Street.

MIDDLETOWN TRANSCRIPT

DNREC to hold meeting on well regulation changes Delaware Department of Natural Resources and Environmental Control's Division of Water and Water Supply Section will conduct a public hearing at 6 p.m. Feb. 1 at the DNREC Richardson & Robbins Building, 89 Kings Highway, Dover. The meeting will cover the proposed amendments to 7 DE Admin. Code 7301, or regulations governing the construction and use of wells. Proposed amendments include: the addition of new water well types; technology changes; incorporation of online permit application and related electronic options; aligning with related regulations; clarification of special permit requirements, such as for emergencies; updating regulatory language to meet several legislative bills regarding advertising and issuance of well permits within water service areas; and incorporation of guidelines and policies to account for industry modernization and practices. For more information, visit 1.usa.gov/1W85PqR.

Cleanup efforts continue in Middletown after Winter Storm Jonas Middletown will be digging out from Winter Storm Jonas for at least a few more days as there are still many areas of the town that need to be plowed, according to Middletown Vice Mayor Jim Reynolds. "The cleanup has been very slow. Very slow, I mean, it's just so much snow," Reynolds said. "It's been a steady battle." DelDOT estimates that Middletown received 12.7 inches of snow from Friday...

WEST VIRGINIA

CHARLESTON GAZETTE-MAIL

Kanawha County solar group continues to grow Their numbers are small, but the group keeps on growing. Half a dozen people from St. Albans, South Charleston and Charleston's West Side met Wednesday evening to learn more about residential solar panels and the ongoing effort to organize the Kanawha County Solar Co-op, a group of roughly 38 people who are considering solar installations at their homes. The group of Kanawha County residents voted last week to hire AAT Solar, a company out of Cleveland, to construct the residential solar systems for the co-op members. But Karan Ireland, the program director for WV Sun, which has helped organize solar co-ops throughout the state, said they will continue to accept other people into the group until March 19, when they will finalize the construction contracts and begin installations. Trish

Hatfield, a resident from St. Albans who was at the meeting Wednesday, said she became interested in residential solar power after talking to her friends in Massachusetts who had installed rooftop solar panels and are now considering battery storage for their system. "It's the way of the future," Hatfield said. "We have to do it." The people who join the Kanawha County Solar Co-op by March will not be the first West Virginians to install panels. Co-ops in Fayetteville, Wheeling and Morgantown already have started installations in those cities. Another group is being formed in Tucker County and according to records from the PSC, there already are 108 American Electric Power and roughly 400 First Energy customers that have panels installed at their homes and business.

Yeager gets another FEMA check, still lacks funding to rebuild safety zone While the Federal Emergency Management Agency has issued a check to reimburse Yeager Airport \$318,615 for its response to damages to utilities and adjacent property owners caused by the collapse of its safety overrun area last March, plans to rebuild the safety zone remain "stuck right now due to a lack of funding," according to Ed Hill, president of Yeager's governing board. "We're still talking to the leadership in state government about getting a loan allowing us to proceed" with rebuilding, pending the settlement of insurance claims and lawsuits stemming from the landslide, Hill told members of the airport's board of directors on Wednesday. "But so far, we're not hearing anything back."

MARYLAND

SALISBURY DAILY TIMES

Snow wasn't worst of Jonas on Shore Flooding may have taken a backseat to the snow in the media's eyes, but it's at least as devastating to those affected. Although 20-30 inches of snow is daunting, it's not the only kind of havoc wrought by winter storm Jonas last weekend. Snowdrifts, whiteouts and cancellations were the weekend superstars in the region. Along Delmarva's Atlantic coastline, however, very little of the white stuff was seen. Instead, what Jonas dumped on the coastal resorts was rain – lots of rain accompanied by high winds packing gusts of up to 70 mph. Maryland took the brunt of the storm overall with the top snowfall numbers, but very little of that fell on any part of the Lower Shore. Oh, so big deal, you might be thinking. What's a little rain compared to all that snow Jonas delivered – enough, according to USA TODAY, to fill about a quarter of the Chesapeake Bay, if melted? That rain created dune breaches, beach erosion and flooding throughout the coastal area. Flooding in Lewes at high tide was just 0.02 inches short of the record high tide noted during the Ash Wednesday storm, also a nor'easter, in March 1962. Water flowed from the ocean and numerous local bays along the coast onto streets, into yards and parking lots – places where it had no business being. It created power outages and left people stranded in their homes or displaced into shelters. Property damage is still being assessed.

EASTON STAR DEMOCRAT

Governor approves \$3M grant to extend trail GRASONVILLE — The Cross Island Trail will be extended to Grasonville thanks to a state grant of more than \$3 million.

MY EASTERN SHORE MD

Restoring the Bay one tree at a time ANNAPOLIS — Trees for Sacred Places, a partnership between the Alliance for the Chesapeake Bay and Interfaith Partners for the Chesapeake, is a unique program that brings restoration, community engagement and education to an often overlooked partner in environmental restoration, the faith community. Participation in the program is available for any property in Maryland that is owned by any faith community. The program facilitates tree plantings on these properties by organizing the planting day, as well as, providing a free planting plan prepared by the Alliance, all the necessary planting tools and supplies, and, of course, native trees. Founded in 2013, Trees for Sacred Places has worked with 85 congregations and other faith-owned properties across Maryland, including Camp Pecometh near Centreville, to plant 12,149 trees with the help of over 1600 volunteers. In addition to the Alliance's tree plantings support, IPC offers congregations a workshop which focuses on the spiritual foundation for environmental stewardship, watershed literacy and the environmental importance of trees. The spiritual teachings are drawn from the faith tradition of the participating congregation including the sacredness of water and the social justice benefits of Bay watershed restoration.

ASSOCIATED PRESS (Md.)

Public hearing set on Deep Creek Lake watershed plan MCHENRY, Md. (AP) — The Garrett County Commissioners are holding a public hearing on a Deep Creek Lake watershed management plan that would restrict natural-gas drilling around Maryland's largest freshwater lake. The hearing is set for Thursday night in McHenry. The watershed covers 41,000 acres around the lake, including many vacation homes and tourism businesses. The plan would prohibit natural gas wellheads within the watershed. Parts of the watershed overlie the gas-rich Marcellus shale rock formation. State environmental regulators are developing rules for allowing companies to drill for gas as early as 2017 using a technique called hydraulic fracturing, or fracking. Fracking involves both vertical and horizontal drilling. The plan would prohibit vertical drilling and gas collection within the watershed but allow horizontal drilling beneath the surface, so drillers could still reach the gas.

VIRGINIA

RICHMOND TIMES-DISPATCH

House passes bill to give legislature oversight of sweeping energy plan A bill to give the Virginia General Assembly oversight over how the state implements a far-reaching federal energy plan meant to fight climate change passed the House of Delegates Wednesday on 64-34 party-line vote. Republicans backing the legislation, House Bill 2, described it as a way of being accountable and responsive to constituents who they say could face higher energy bills, while Democrats argued the bill would cause delays and politicize the process. The Clean Power Plan, championed by President Barack Obama and finalized by the Environmental Protection Agency last year, aims to reduce carbon dioxide emissions 32 percent by 2030, which will require significant changes to existing power plants. In a statement after the bill's passage, House Speaker William J. Howell, R-Stafford, said the energy plan will have a "devastating impact on Virginia's economy." "It is critical that the people have a say in the energy policy of the

commonwealth through their elected representatives, not by unelected bureaucrats in Washington and Richmond," Howell said. Gov. Terry McAuliffe has applauded the federal effort, and state environmental officials have been working with affected parties to prepare a Virginia-specific plan by September. Democrats have said the bill could require a special session in order for the state to meet the September deadline. If the legislature moves too slowly, according to Democrats, the federal government could step in and implement a Virginia plan.

WTVR CBS 6 RICHMOND

Environmentalists blast Dominion's response to energy plan RICHMOND, Va. — In an open letter to Gov. Terry McAuliffe, a coalition of environmental activists and other community leaders said Tuesday that Dominion Virginia Power's response to the federal Clean Power Plan is "fundamentally contrary" to President Obama's goals of reducing carbon emissions and promoting renewable energy. The letter is signed by about 50 individuals who represent organizations including the Virginia Chapter Sierra Club, the Chesapeake Climate Action Network, and the Richmond and Northern Neck chapters of the Citizens Climate Lobby. "Never in history has a Virginia governor had greater authority, greater responsibility and a greater opportunity to combat harmful carbon pollution," the letter states. "We implore you to deliver to the people of Virginia a Clean Power Plan that lowers carbon pollution and ensures the health and safety of Virginians for generations to come." Coincidentally, across Capitol Square, the General Assembly considered a bill that would restrict the governor's authority for implementing the U.S. Environmental Protection Agency's Clean Power Plan in Virginia. Amid partisan debate, the House of Delegates voted to move forward on a bill that could present a roadblock to implementing the Clean Power Plan. House Bill 2 would require approval from the General Assembly of the state's response to the federal plan. Similar legislation, Senate Bill 21, is moving through the Senate.

ROANOKE TIMES

Botetourt County approves wind farm permit unanimously DALEVILLE — What could become Virginia's first commercial wind farm took root Tuesday night in Botetourt County. In a unanimous vote, the board of supervisors approved a special exception permit that will allow a renewable energy company to build up to 25 turbines on top of North Mountain, converting the winds that sweep across the ridgeline into a cleaner form of electricity than what comes from burning fossil fuels. Jerry Fraley, who has agreed to lease his land to Apex Clean Energy for the project, gave a thumbs-up signal following the vote. "Wind power is about as natural as it gets," Fraley had told the supervisors earlier in the evening during a public hearing. "It's renewable, unaltered. I call it God's power." Standing up to 550 feet tall, wind turbines have been lightning rods for controversy in other Southwest Virginia localities, where nearby residents have called them noisy eyesores that harm wildlife and their habitat. But those concerns represented a minority at Tuesday's meeting, perhaps because the 7,355-acre tract where the wind farm would be located is so remote. The turbines would be more than a mile from the nearest home — and even there the occupant, Henry Gum, called them "pretty." Of the 22 people who addressed the board, 15 were in favor of the turbines, four were opposed and the rest struck a middle ground. Apex, a Charlottesville company that has six wind farms operating in three states, now appears poised to have the first one running in Virginia by the end of 2017 on North Mountain, about five miles northeast of Eagle Rock. With the special exception permit it needed from Botetourt County, Apex must still obtain approval from state and federal agencies. The Virginia

Department of Environmental Quality will scrutinize the project's impact on flora and fauna, and the Federal Aviation Administration will determine whether it would interfere with passing air traffic.

MISCELLANEOUS

THE EPA BLOG

Improving Rodent Control Using Biomonitoring Baits in NYC In recent years, there has been a dramatic shift in programs aimed at controlling rodents, especially in urban areas. Through the use of non-toxic biomonitoring baits, New York City rodent control specialists are improving their pest management techniques to become more effective at tracking rodents. Biomonitoring baits are essentially non-toxic food blocks for mice and rats with additives that allow for tracking. The baits contain human food-grade ingredients, making them highly attractive to rodents in both taste and texture. There are two types of biomonitoring baits – one that incorporates a biofluorescent marker and a second that incorporates a dark pink dye. After they are digested, the marker additives are excreted in the rodent scat (feces). Under black light, even the faintest of scat with the bio fluorescent marker glows brilliantly. In contrast, the pinkish scat from the other bait product is easily detected in normal light.

Cars and Trucks and Things That Go...Put the Brakes on Traffic-Related Pollution Exposure at Schools Many scientific studies have found that people who live, work, or attend school near major roads appear to be more at risk for a variety of short- and long-term health effects, including asthma, reduced lung function, impaired lung development in children, and cardiovascular effects in adults. For example, a study by researchers at the University of Southern California found that children who live within 500 meters (that's about one-third of a mile) from a freeway incur substantial and long-lasting deficits in lung development and function compared to children living at least 1500 meters (a little under 1 mile) from a freeway.

EPA MID-ATLANTIC HEALTHY WATERS BLOG

Searching for Sustainable Solutions to Water Infrastructure Challenges (By Lori Reynolds) Though clean water is the backbone of our nation's health and economy, the high cost of water infrastructure upgrades, not to mention the even higher long-term cost of delaying these fixes presents a daunting challenge for local officials. One year ago, a Presidential Memorandum directed EPA and other federal agencies to increase collaboration between the private and public sectors to meet this challenge by expanding innovative financing tools and helping communities plan for maintaining water infrastructure and developing new projects. This year, the Water Infrastructure and Resiliency Finance Center marked its one-year anniversary with a panel discussion...

BNA DAILY ENVIRONMENT REPORT

Tax Extenders Called 'Game Changer' for Clean Power Plan Multiyear extensions of wind and solar production tax credits "fundamentally change the game" for how states can comply with the EPA's Clean Power Plan, the Rhodium Group says in a note. John Larsen, director of the group, says in an event hosted by the Center for Strategic and International Studies that the

inclusion of the tax credits in fiscal year 2016 spending package made renewable energy sources "the technology option of choice" for states looking at compliance options for the power plant regulation

EPA, USDA Unaware How Water Utilities Manage Assets The EPA and the Agriculture Department aren't tracking their efforts to encourage smaller water and wastewater utilities to manage their assets, the Government Accountability Office concludes in a report. In the report, "EPA and USDA Are Helping Small Water Utilities with Asset Management; Opportunities Exist to Better Track Results," the GAO says the two agencies collect feedback from water utilities on the training itself.

GREENWIRE

DRINKING WATER: Ohio regulators knew of lead risk, delayed action for months Ohio officials knew in October that residents of a small town were drinking water containing high levels of lead but did not warn the public, records show. Ohio EPA chose instead to send repeated warnings to the Sebring water treatment plant in Sebring, Ohio, demanding that it tell its 8,100 customers about the elevated lead levels. The agency set a deadline of Nov. 29, 2015, for the water plant to comply. Ultimately, no warnings were issued. The public found out last week when Ohio EPA issued a notice of violation to the plant, triggering public notification. The agency is now calling on federal officials to launch a criminal investigation of the water plant's treatment director, James Bates, claiming he falsified records

CLEAN POWER PLAN: Supreme Court urged to halt rule or risk irrelevance Foes of U.S. EPA's Clean Power Plan are warning the Supreme Court that failing to halt the rule now could effectively hand the Obama administration a victory before legal challenges are settled. A coalition of 25 states has petitioned Chief Justice John Roberts to block the EPA rule to cut greenhouse gases from power plants, in spite of a lower court's order last week that refused to freeze the rule. The plea to the high court is widely seen as a long shot and is the latest in a series of unusual steps challengers have taken to oppose the rule, which is central to the administration's environmental agenda but which critics paint as a "power grab."

COAL: Industry would be better off with carbon tax -- report The coal industry should barter for an end to the Obama administration's carbon rules for power plants by throwing their weight behind a carbon tax, a libertarian think tank argued in a report released today. The Niskanen Center document said a carbon tax designed to achieve the same greenhouse gas reductions as U.S. EPA's Clean Power Plan would be "less punishing" to the coal industry than the agency's program. Supporting a carbon tax, the center said, would help companies avoid "economic free-fall" brought on by tougher regulations and competition from cheap natural gas.

FLINT CRISIS: Lawsuit aims to force replacement of water lines Three nonprofits and a Flint, Mich., resident filed a lawsuit in federal court today aimed at forcing the replacement of Flint's lead-contaminated water lines. Filed in the U.S. District Court for the Eastern District of

Michigan, the lawsuit calls on the state and city to obey the federal Safe Drinking Water Act for testing and treatment for lead, a potent neurotoxin. It's at least the fourth lawsuit filed in the Flint water crisis. Flint's drinking water became contaminated with lead after the city began drawing supplies from the Flint River in 2014 in what was said to be a cost-saving move. The switch allowed the cash-strapped city of 100,000 people to stop paying for water from Lake Huron, but the corrosive river water ate away at lead service lines. "We are asking a federal court to step in because the people of Flint simply cannot rely on the same government agencies that oversaw the destruction of its infrastructure and contamination of its water to address this crisis," said Dimple Chaudhary, a senior attorney for one of the plaintiffs, the Natural Resources Defense Council.

NEW YORK TIMES

Senate Begins Debate on Comprehensive Bipartisan Energy Bill The Senate on Wednesday started debating its first comprehensive energy legislation since the George W. Bush administration, a bipartisan measure meant to update the nation's power grid and oil and gas transportation systems to address major changes in the ways that power is now produced in the United States. Since passage of the last major energy law, in 2007, the United States has gone from fears of oil and gas shortages to becoming the world's leading producer of both fuels. The use of wind and solar power is rapidly accelerating as those sources become cheaper than fossil fuels in some parts of the country. And President Obama's clean air regulations are reshaping the nation's power systems, as electric utilities shutter coal-fired power plants and replace them with alternative sources. But the nation's energy infrastructure has not kept pace with those changes. Throughout the Obama administration, partisan differences over energy policy and climate change meant that meaningful energy legislation had essentially no chance of passage. When bills were offered, they were partisan measures meant to score political points rather than to enact substantive policy.

GRIST

Climate change is already changing bird migration The birds are on the move. Researchers from the University of Wisconsin have looked at how North American birds are adapting to climate change, and while it's no surprise that birds are changing their migratory patterns, what *is* surprising is how quickly they're doing it. Audubon reports: There are two major curveballs in this study: First, birds are moving faster than we think, and second, they're going places where we don't suspect. Previous estimates had breeding ranges shifting by an average of .4 miles a year, but [researcher Brooke] Bateman's work proves that some species are moving at twice that speed, up to as much as 3 miles a year. The quickest drifters include meat eaters, insect eaters, and species that forage high up in the canopy or at the bottom of the forest floor (they're probably stalking their prey to new spaces). Birds that are staying put include woodpeckers, hummingbirds, plant eaters, and non-migrants.

Roy Seneca

EPA Region 3 Press Officer

Office Communications and Government Relations

seneca.roy@epa.gov

(215) 814-5567

To: Thurmon, Clarke[Thurmon.Clarke@epa.gov]; King, Carol[King.Carol@epa.gov]
From: Shinkman, Susan
Sent: Thur 1/28/2016 2:39:47 PM
Subject: Fwd: INPUT NEEDED TONIGHT: EPA Measure for Flint

Please look at this before 11:00 and just give your thoughts as to whether the measures line up.

Sent from my iPhone

Begin forwarded message:

From: "Wilson, Shari" <Wilson.Shari@epa.gov>
Date: January 28, 2016 at 9:32:14 AM EST
To: "Pollins, Mark" <Pollins.Mark@epa.gov>
Cc: "Denton, Loren" <Denton.Loren@epa.gov>, "King, Carol" <King.Carol@epa.gov>, "Theis, Joseph" <Theis.Joseph@epa.gov>, "Thurmon, Clarke" <Thurmon.Clarke@epa.gov>, "Shinkman, Susan" <Shinkman.Susan@epa.gov>, "Giles-AA, Cynthia" <Giles-AA.Cynthia@epa.gov>
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint

Deliberative Process / Ex. 5

Thanks.

Shari

From: Pollins, Mark
Sent: Wednesday, January 27, 2016 11:00 PM
To: Wilson, Shari <Wilson.Shari@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Subject: Re: INPUT NEEDED TONIGHT: EPA Measure for Flint

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 27, 2016, at 7:02 PM, Wilson, Shari <Wilson.Shari@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Natarajan, Nitin

Sent: Wednesday, January 27, 2016 4:16 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Travers, David <Travers.David@epa.gov>; Tingley, Kevin <Tingley.Kevin@epa.gov>

Subject: INPUT NEEDED TONIGHT: EPA Measure for Flint

All,

Deliberative Process / Ex. 5

Please let me know sometime TODAY/TONIGHT, if you have any edits/issues.

Thanks in advance!

N

Deliberative Process / Ex. 5

Nitin Natarajan

Deputy Assistant Administrator

Office of Land and Emergency Management

Environmental Protection Agency

202-566-0200 Office

From: Natarajan, Nitin

Sent: Monday, January 25, 2016 5:20 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas
<Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia,
Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan,

Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>

Subject: Fw: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

All,

Deliberative Process / Ex. 5

I know everybody has a lot on their plate, but if I could ask OW/ORD to take a look and put together some recommendations that we can share with the group prior to us responding back officially, I would appreciate it.

N

Nitin Natarajan
Deputy Assistant Administrator
Office of Land and Emergency Management
Environmental Protection Agency
202-566-0200 Office

From: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>

Sent: Monday, January 25, 2016 3:35 PM

To: Noronha, Neil J.

Cc: Cramer, Drew; Wood, John; Washington, Russell; Sherman, Will; Gautier, Peter; Pope, Amy; Valocsik-Jackson, Erin; Woods, Olivia

Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Please see the attached document for today's meeting.

From: Noronha, Neil J.

Sent: Sunday, January 24, 2016 9:01 PM

To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>

Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>; Pope, Amy <Amy_E_Pope@nsc.eop.gov>; Valocsik-Jackson, Erin <Erin_L_Valocsik@nsc.eop.gov>; Woods, Olivia <Olivia_M_Woods@nsc.eop.gov>

Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Given tomorrow's closure of the federal government, the Restricted DRG on Flint, Michigan will take place via teleconference. Below is the information for the teleconference.

Phone:

Nonresponsive Conference Code

Nonresponsive Conference Code

Please confirm your attendance to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by tomorrow, Monday January 25, 2016 at 12:00 P.M.

Thank you for your flexibility and cooperation with this matter!

From: Noronha, Neil J.

Sent: Friday, January 22, 2016 4:14 PM

To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>

Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>

Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Apologies for the lack of clarification. This Restricted DRG is about the Flint, Michigan water situation.

From: Noronha, Neil J.

Sent: Friday, January 22, 2016 2:52 PM

To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>

Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>

Subject: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members,

The restricted DRG meeting scheduled for Monday, January 25, 2016 has been scheduled from **4:00 to 5:00 in EEOB 428.**

The meeting will be held at the **UNCLAS** level. Please send WAVES information via <https://events.whitehouse.gov/form?rid=M9W24RG9C8>, **NLT 5:00 P.M., Sunday, January 24.**

Attendance should be confirmed to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by **5:00 P.M., Sunday, January 24.** Space is limited, please **limit attendance to one primary, and one backbench.**

****ATTENTION HUD AND DOI** PLEASE IDENTIFY A REPRESENTATIVE FROM FHA AND USGS, RESPECTIVELY, TO ATTEND THIS RESTRICTED DRG.**

RESTRICTED DOMESTIC RESILIENCE GROUP INTERAGENCY POLICY
COMMITTEE MEETING

DATE: January 25, 2016

LOCATION: EEOB 428

TIME: 4:00 p.m. – 5:00 p.m.

AGENDA

- I. Situational UpdateHHS
- II. Status of Unified Coordination Group.....FEMA
- III. Update on Agency Roles and Capabilities.....All
- IV. Planning of Way Forward.....HHS
- V. Closing Remarks.....NSC

Agency representatives should be prepared to discuss their capabilities and capacities regarding this event and recommended requests that could be proposed by the city, county, or State.

Thank you for your understanding and cooperation given this quick turnaround!

Sincerely,

Peter Gautier

Senior Director for Response Policy

National Security Council Staff

<DRG MASTER DRAFT DOCUMENT v2- USG FLINT Senior Leadership Brief
25JAN20....docx>

To: Shinkman, Susan[Shinkman.Susan@epa.gov]; King, Carol[King.Carol@epa.gov]
From: Thurmon, Clarke
Sent: Thur 1/28/2016 2:41:12 PM
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint

Susan,

We will take a look and get back to you at 11am.

Thanks,
Clarke

Clarke Thurmon, Attorney
Water Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
Phone: (202) 564-5587
Fax: (202) 564-0024

Protecting the environment is everyone's responsibility. You can help by reporting potential environmental violations. To do so, visit EPA's website at <http://epa.gov/compliance/complaints/index.html>

NOTICE: This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe you have received this communication in error, please contact the sender and delete the copy you received. Do not print, copy, retransmit, disseminate, or otherwise use the information. Unless so stated, legal arguments and opinions by the writer of this email do not represent official EPA policy. Thank you.

From: Shinkman, Susan
Sent: Thursday, January 28, 2016 9:40 AM
To: Thurmon, Clarke <Thurmon.Clarke@epa.gov>; King, Carol <King.Carol@epa.gov>
Subject: Fwd: INPUT NEEDED TONIGHT: EPA Measure for Flint

Please look at this before 11:00 and just give your thoughts as to whether the measures line up.

Sent from my iPhone

Begin forwarded message:

From: "Wilson, Shari" <Wilson.Shari@epa.gov>
Date: January 28, 2016 at 9:32:14 AM EST
To: "Pollins, Mark" <Pollins.Mark@epa.gov>
Cc: "Denton, Loren" <Denton.Loren@epa.gov>, "King, Carol" <King.Carol@epa.gov>, "Theis, Joseph" <Theis.Joseph@epa.gov>, "Thurmon, Clarke" <Thurmon.Clarke@epa.gov>, "Shinkman, Susan" <Shinkman.Susan@epa.gov>, "Giles-AA, Cynthia" <Giles-AA.Cynthia@epa.gov>
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint

Deliberative Process / Ex. 5

Thanks.

Shari

From: Pollins, Mark
Sent: Wednesday, January 27, 2016 11:00 PM
To: Wilson, Shari <Wilson.Shari@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Subject: Re: INPUT NEEDED TONIGHT: EPA Measure for Flint

Loren and I just got into Lansing. Not sure what the measures are flowing into but my immediate concern is what if we pursue a response other than the AO. I am sure others responded by now.

Sent from my iPhone

On Jan 27, 2016, at 7:02 PM, Wilson, Shari <Wilson.Shari@epa.gov> wrote:

Deliberative Process / Ex. 5

on the order. There is logic to following the order.... Please advise. Thanks.

From: Natarajan, Nitin
Sent: Wednesday, January 27, 2016 4:16 PM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Travers, David <Travers.David@epa.gov>; Tingley, Kevin <Tingley.Kevin@epa.gov>
Subject: INPUT NEEDED TONIGHT: EPA Measure for Flint

All,

Nonresponsive Conference Code

Please let me know sometime TODAY/TONIGHT, if you have any edits/issues.

Thanks in advance!

N

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Nitin Natarajan

Deputy Assistant Administrator

Office of Land and Emergency Management

Environmental Protection Agency

202-566-0200 Office

From: Natarajan, Nitin

Sent: Monday, January 25, 2016 5:20 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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N

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<Peter_W_Gautier@nsc.eop.gov>; Pope, Amy <Amy_E_Pope@nsc.eop.gov>;
Valocsik-Jackson, Erin <Erin_L_Valocsik@nsc.eop.gov>; Woods, Olivia
<Olivia_M_Woods@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

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Phone: 202-395-6392

Nonresponsive Conference Code

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<John_S_Wood@nsc.eop.gov>; Washington, Russell
<Russell_C_Washington@nsc.eop.gov>; Sherman, Will
<Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter
<Peter_W_Gautier@nsc.eop.gov>
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<John_S_Wood@nsc.eop.gov>; Washington, Russell
<Russell_C_Washington@nsc.eop.gov>; Sherman, Will
<Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter
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- IV. Planning of Way Forward.....HHS
- V. Closing Remarks.....NSC

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Sincerely,

Peter Gautier

Senior Director for Response Policy

National Security Council Staff

<DRG MASTER DRAFT DOCUMENT v2- USG FLINT Senior Leadership Brief
25JAN20....docx>

To: Wadlington, Christina[Wadlington.Christina@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]
From: Burneson, Eric
Sent: Thur 1/28/2016 2:49:14 PM
Subject: RE: Summary of Media Inquires

Can we coordinate on this list after the briefing prep? I want to avoid two sets of staff working on the same responses independently.

From: Wadlington, Christina
Sent: Wednesday, January 27, 2016 9:46 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Summary of Media Inquires

I can't take credit. I just repurposed something from OW ☺

I am glad it's helpful. I will send these out every so often as inquiries pile up.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Lopez-Carbo, Maria
Sent: Wednesday, January 27, 2016 9:42 PM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Summary of Media Inquires

Wow this is a great summary Christina.

I think we don't have any emergencies tomorrow so I'll start knocking these out tomorrow.

Thanks for putting it all together.

Maria

From: Wadlington, Christina
Sent: Wednesday, January 27, 2016 9:36 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: Summary of Media Inquires

Since there are a few out there, provided is a summary of pending Flint LCR inquiries and assignments.

Please let me know if I missed anything.

Thank you!

Detroit Free Press [Received 1/25] – PB pending OGC

Question: I found the LCR revisions and have a question about a line in here I'm hoping you can get me an answer to. In the recommendations from the working group, it says the EPA should "Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes". Can you point me to the language of that current rule regarding CCT and changes to source water or

treatment? I've been looking around for some time but haven't been able to put my hands on such a rule.

Bloomberg [Received 1/26] – Guardian response

Question: I'm working on an editorial about the issues raised in Friday's story in the Guardian, and I'm hoping somebody can help me with the following: Is it accurate that the EPA allows cities and water agencies to ask residents to pre-flush their water before lead testing, along with similar techniques that result in lowering the amount of lead that appears in the tested water? If so, is there an explanation for why the EPA allows those practices to continue?

The Guardian [Received 1/26] – PB

Follow-up Question: Does the EPA still discourage water utilities from instructing people to pre-flush or flush taps or remove aerators prior to taking a sample? If so, why has the EPA not sought to ban these practices due to their influence on LCR tests?

CQ Roll Call [Received 1/27] – TAB

Question: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Question: Looking here: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions> I see that the working group appears to have completed its meetings and was to make recommendations to the National Drinking Water Advisory Council, which was then to make its own report to EPA.

Question: I have a few questions, but one of them is whether this process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health. As you may know, complaints have been aired by a resident of Flint and others that the current rule allows loopholes that let Flint or other places to effectively comply without protecting public health.

Detroit Free Press [Received 1/27] – TAB and PB

Question: Reporters here and at other organizations (NYTimes, Washington Post) have noted 5 ppb lead as cause for concern in drinking water. I thought I saw somewhere buried in the EPA'

SDWA a standard related 5 ppb and water testing. That is considered lead-free in PWSs. If not, do you have a number with the avg. nationwide, so folks can compare some of these lead levels?

Question: Other Orgs on lead and drinking water: The CDC notes there is no safe level of lead in drinking water. WHO maximum level of 10 ppb lead in drinking water. If you can help me identify the lower threshold in EPA guidance it would be greatly appreciated.

Gizmodo [Received 1/27] - TAB

Question: What is the EPA doing to address testing methods in cities that are being accused of practices that miss lead? (Guardian response?)

Question: Would the EPA consider requiring third-party testers which are not located in water districts?

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

Cc: Bosscher, Valerie[bosscher.valerie@epa.gov]
To: Porter, Andrea[porters.andrea@epa.gov]
From: Cooper, Brian
Sent: Thur 1/28/2016 2:50:29 PM
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy --> new draft; do you know cl data source?
USEPA Field Sampling in Flint-DRAFT 2 (Cooper, Brian).docx

Andrea,

GIS comments in red.

Thanks,

Brian

From: Porter, Andrea
Sent: Thursday, January 28, 2016 8:11 AM
To: Cooper, Brian
Cc: Bosscher, Valerie
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy --> new draft; do you know cl data source?

Hi Brian,

Attached is a new draft based on discussion with Jan Krysa. Only small modifications.

Last outstanding question:

Deliberative Process / Ex. 5

We think check-in meeting is at 10amET/9amCT. Let us know if we have the time wrong.

Thanks,

Andrea Porter

Environmental Engineer

Ground Water & Drinking Water Branch

U.S. EPA, Region 5 (WG-15J)

77 W. Jackson Blvd.

Chicago, IL 60604

Phone: 312-886-4427

Fax: 312-697-2656

From: Bosscher, Valerie

Sent: Thursday, January 28, 2016 8:08 AM

To: Bair, Rita <bair.rita@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>

Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

See attached in tracked changes, additions from GIS team regarding PII and additions to the last 2 sections.

From: Bosscher, Valerie

Sent: Thursday, January 28, 2016 7:43 AM

To: Bair, Rita <bair.rita@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>

Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Importance: High

See attached. I still am adding to #5 (Filter Evaluation) and will send you that section shortly.

I have not heard back from the Data/GIS folks, not sure when they come in.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 10:40 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Attached are my revisions following Val's last version. Val, you can keep working on this version in the morning. We will want to have Andrea's and if possible Tom's input on whether this appears to meet the needs of the request. We can also plan to show Tinka something early tomorrow for feedback too.

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 9:22 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Please see attached. I will fill in more on the reporting items tomorrow morning.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 7:17 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Here's what I have as a rough skeleton for formatting. Still needs lots of work. Val said she would take the next crack at it and then route again when she is done.

From: Bosscher, Valerie

Sent: Wednesday, January 27, 2016 7:01 PM

To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>

Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bosscher, Valerie
Sent: Wednesday, January 27, 2016 6:36 PM
To: Bair, Rita <bair.rita@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: RE: IMMEDIATE NEED: Tasking from Admin. McCarthy

Additions below.

From: Bair, Rita
Sent: Wednesday, January 27, 2016 5:38 PM
To: Bosscher, Valerie <bosscher.valerie@epa.gov>; Crooks, Jennifer <crooks.jennifer@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: IMMEDIATE NEED: Tasking from Admin. McCarthy

From: Maraldo, Dean

Sent: Wednesday, January 27, 2016 5:26 PM
To: Durno, Mark <durno.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>; Henry, Timothy <henry.timothy@epa.gov>
Subject: Re: IMMEDIATE NEED: Tasking from Admin. McCarthy

Mark: see my input below....

Tom/Rita: see note below, I think you are in better position to answer. Feel free to provide Mark with input on any of these bullets...

=====
Dean Maraldo
Water Enforcement & Compliance Assurance Branch
U.S. EPA - Region 5
77 West Jackson Blvd. (WC-15J)
Chicago, Illinois 60604
ph: (312) 353-2098
fax: (312) 385-5394
e-mail: maraldo.dean@epa.gov
<http://www.epa.gov/enforcement/>

From: Durno, Mark
Sent: Wednesday, January 27, 2016 4:47 PM
To: Hyde, Tinka; Maraldo, Dean; Henry, Timothy
Cc: Kaplan, Robert; Roth, Charles; Cooper, Brian
Subject: IMMEDIATE NEED: Tasking from Admin. McCarthy

Hey guys,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Mark Durno

Homeland Security Advisor / Deputy Chief

Emergency Response Branch
U.S. Environmental Protection Agency
25063 Center Ridge Road
Westlake, OH 44145

440-250-1743

To: Burneson, Eric[Burneson.Eric@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 2:55:14 PM
Subject: RE: Summary of Media Inquires

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U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

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Sent: Thursday, January 28, 2016 9:49 AM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>
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Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]
From: Wadlington, Christina
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Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]
From: Lopez-Carbo, Maria
Sent: Thur 1/28/2016 3:04:10 PM
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Deliberative Process / Ex. 5

From: Burneson, Eric
Sent: Thursday, January 28, 2016 9:49 AM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
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Question: I found the LCR revisions and have a question about a line in here I'm hoping you can get me an answer to. In the recommendations from the working group, it says the EPA should "Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes". Can you point me to the language of that current rule regarding CCT and changes to source water or treatment? I've been looking around for some time but haven't been able to put my hands on such a rule.

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The Guardian [Received 1/26] – PB

Follow-up Question: Does the EPA still discourage water utilities from instructing people to pre-flush or flush taps or remove aerators prior to taking a sample? If so, why has the EPA not sought to ban these practices due to their influence on LCR tests?

CQ Roll Call [Received 1/27] – TAB

Question: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

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Detroit Free Press [Received 1/27] – TAB and PB

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Gizmodo [Received 1/27] - TAB

Question: What is the EPA doing to address testing methods in cities that are being accused of practices that miss lead? (Guardian response?)

Question: Would the EPA consider requiring third-party testers which are not located in water districts?

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

To: Maria Lopez-Carbo (Lopez-Carbo.Maria@epa.gov)[Lopez-Carbo.Maria@epa.gov]; Viveiros, Edward[Viveiros.Edward@epa.gov]
Cc: Edward Moriarty (Moriarty.EdwardJ@epa.gov)[Moriarty.EdwardJ@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]
From: Banks, Victoria
Sent: Thur 1/28/2016 3:09:09 PM
Subject: FW: WSJ

Morning,

This is the article attached the pre-brief today. Below is the full text in case you could not view it.

“Nationwide, lead solder that seals pipes and joints **exists in about 81 million homes**, or roughly two-thirds of households...”

“This month, **Milwaukee** suspended all water main replacement projects that include lead service lines to nearby buildings. Tests showed the construction increased lead levels in the water going into several homes, according to Milwaukee Water Works.”

“In **Sebring, Ohio**, schools were closed for several days this week after environmental regulators told residents that the operator of a local water system had failed to warn its 8,100 customers of high lead and copper levels.”

“In 2011 and 2012, a study by the EPA tested 32 **Chicago** homes with lead service lines for lead contamination in the water. It found that the EPA-sanctioned procedure to sample water “systematically misses the high lead levels and potential human exposure.”

Victoria Banks

Office of Ground Water and Drinking Water
U.S. Environmental Protection Agency
Washington, DC, Room 2368C, EPA East
(202) 564-2053

From: Goldberg, Michael
Sent: Thursday, January 28, 2016 9:25 AM
To: Banks, Victoria; Viveiros, Edward
Subject: RE: WSJ

Here's the full text if you're interested

Flint Water Crisis Shines Light on Lead Pipes Across U.S.

Michigan city's woes expose the danger of aging infrastructure; replacing old pipes is difficult and costly

Flint resident Keri Webber and her family try to use tap water as little as possible because of lead contamination. *PHOTO: TIM GALLOWAY FOR THE WALL STREET JOURNAL*

By
CAMERON MCWHIRTER and

KRIS MAHER

Jan. 28, 2016 5:33 a.m. ET

50 COMMENTS

The water crisis in Flint, Mich., has exposed the danger that lead could potentially leach into the drinking water of millions of Americans, showing what can go wrong if aging infrastructure isn't properly monitored and maintained.

Lead is common in pipes across the country, mostly in service lines linking street pipes to people's homes. Millions of pipes now in use were installed well before 1986, when federal law banned lead pipes and solder, and some date back to the 1800s.

The price tag just to dig up and replace as many as eight million lead service lines into homes and businesses could easily reach tens of billions of dollars. The task is complicated by the fact that utilities and cities often don't know where such lines are buried. And tens of millions of other water lines have lead solder or fixtures that also can contaminate drinking water.

The Flint crisis began when the city switched to a new water source in April 2014 to cut costs. The highly corrosive water from the Flint River ate away at the protective lining in old pipes, laying bare lead that leached into the water supply. The corrosive water wasn't treated, and the high levels of lead weren't reported to the public for roughly 18 months. Investigations are under

way into whether laws were broken.

Even though Flint has switched back to using Detroit water, it's still not safe to drink. The city is now adding phosphate to coat the pipes, as many municipalities do, and authorities say the lead levels are dropping at residents' taps. In the meantime, residents are advised to drink bottled water or use a filter to help remove contaminants.

Nationwide, lead solder that seals pipes and joints exists in about 81 million homes, or roughly two-thirds of households, and leaded brass fixtures, another source of contamination, are in the vast majority of homes, said Marc Edwards, an environmental engineering professor at Virginia Tech.

“While Flint is an outlier, it confirms everything that we have been speaking out against for the last 10 years,” said Mr. Edwards, who tested Flint drinking water samples last summer, revealing high lead levels.

The crisis comes as the Environmental Protection Agency is working on revising the primary federal regulation aimed at protecting Americans from lead in drinking water. Children are especially vulnerable to even small amounts of lead, which can damage developing brains.

Experts generally agree that the lead service lines that connect water mains to homes are a leading culprit for lead contamination in water and need to be removed.

“It's going to be a huge financial challenge,” said G. Tracy Mehan III, executive director for governmental affairs at American Water Works Association, a trade group representing 4,000 utilities across the U.S., not including Flint's. Just 2% of water utilities surveyed by the group last year said they had all the financial resources to cover future pipeline upgrades, which would include replacing lead pipes and fixtures.

Replacing Flint's lead lines, solder and joints could take 15 years and \$60 million, according to a September estimate by an aide to Gov. Rick Snyder. On Wednesday, the governor said it was too soon to estimate the cost.

ENLARGE

Water is tested at the home of Flint residents Keri and Michael Webber. *PHOTO: TIM GALLOWAY FOR THE WALL STREET JOURNAL*

Flint residents Keri and Michael Webber, who have two daughters, ages 16 and 20, have been using bottled water for drinking, cooking and brushing their teeth, using tap water as little as possible.

“It's a total nightmare,” said Mr. Webber, 45 years old, who said his blood pressure has gone up because of the contaminated water. He takes only occasional, brief showers now, he said: “In and out, as cold as you can stand it.” Hot water leaches more lead from pipes.

Ricky Greene, 59, lives in northwest Flint and is eager to have the lead service line in front of his house replaced. Twice a day, Mr. Greene, a retired General Motors Co. worker, and his wife Sandra, 60, heat 30 bottles of water and carry them to the bathroom to wash. Even so, a rash on his back that Mr. Greene believes he got from drinking and bathing in lead-contaminated water last year, has yet to fade.

“We haven't heard anything about having the service lines replaced or compensating the people for getting it done,” he said. “It's just bottled water, bottled water. The Band-Aid is running thin.”

The Flint River flows through Flint, Mich. Even though the city has switched back to using Detroit water rather than water from the Flint River, it's still not safe to drink. *PHOTO: BILL PUGLIANO/GETTY IMAGES*
Lead contamination in the water supply has cropped up elsewhere, though on a smaller scale than in Flint.

This month, Milwaukee suspended all water main replacement projects that include lead service lines to nearby buildings. Tests showed the construction increased lead levels in the water going into several homes, according to Milwaukee Water Works.

In Sebring, Ohio, schools were closed for several days this week after environmental regulators told residents that the operator of a local water system had failed to warn its 8,100 customers of high lead and copper levels.

In 2011 and 2012, a study by the EPA tested 32 Chicago homes with lead service lines for lead contamination in the water. It found that the EPA-sanctioned procedure to sample water

“systematically misses the high lead levels and potential human exposure.” The EPA advised Chicago residents to get their lines tested and if lead was found, to purchase a water filter. It also advised residents only to use cold water for drinking, cooking and preparing baby formula.

In the early 2000s, widespread lead contamination was discovered in Washington, D.C., after the district's drinking-water disinfectant changed from chlorine to chloramine, causing lead to leach into the water. The district's water utility provides water from the Potomac River to 660,000 residents and several million people who work in and visit the district daily.

Lead levels in the water system rose above 15 parts per billion, the action level set by the EPA. The water authority was required to inform the public about the contamination and replace lead service lines within the system.

“It was very similar to what happened in Flint,” said George S. Hawkins, chief executive of the District of Columbia Water and Sewer Authority. The authority purchases treated water from another entity owned by the Army Corps of Engineers and distributes it to customers.

Mr. Hawkins said the authority has been working hard to replace these lines. As of 2008, 35,000 of the system's connections were made of lead.

Most of the lead contamination found in the U.S. in recent years comes from paint flaking in older houses, not from drinking water. Data from testing for lead in children in 2014 showed relatively high contamination rates in many parts of the U.S., from Allegheny County, Pa., to Houston County, Ala., according to the Centers for Disease Control and Prevention. However, the CDC's data for much of the country are incomplete.

Environmentalists worried about widespread lead contamination are calling on the EPA to more aggressively enforce and eventually overhaul a 1991 regulation called the Lead and Copper Rule, aimed at preventing lead contamination in drinking water. Under the rule, if more than 10% of home water tests in a system show lead levels above 15 parts per billion, utilities must use chemicals to make water less corrosive, replace lead service lines and notify the public.

“Yes, there are indications there are lead problems more widespread than in Flint, but no, we

don't have comprehensive data across the country that would demonstrate that,” said Erik Olson, director of the health and environment program at the Natural Resources Defense Council. “Because the regulatory system is so loosey goosey, they [water utilities] can avoid finding a problem by testing in a way that doesn't detect it, and then they don't have to fix the problem,” said Mr. Olson. “But, honestly, the drinking water utilities have known for decades the day of reckoning is coming.”

Utilities have been working with the EPA and others to revise rules to eliminate lead in drinking water, said Steve Via, regulatory affairs manager for the American Water Works Association. “I don't think that it's reasonable to say that water utilities are gaming the current rule,” he said.

EPA spokeswoman Monica Lee said Wednesday the agency hopes to publish a proposal revising the rule in 2017 while looking to take steps more immediately that could strengthen it.

A House oversight committee plans to hold the first congressional hearing on Flint's water crisis on Feb. 3.

Many utilities haven't spent enough money to upgrade their water systems, including removing all lead, according to Daniel Van Abs, a water utility expert and human ecology professor at Rutgers University.

Generally, local officials are reluctant to present water customers with steep rate hikes for repairs, or to raise local taxes, Mr. Van Abs said. “This is physics; these pipes are going to break,” he said. Getting public backing for improvements is difficult because the underground water system is “sight unseen,” he said.

--Amy Harder contributed to this article.

From: Goldberg, Michael

Sent: Thursday, January 28, 2016 9:14 AM

To: Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>

Subject: WSJ

Hey guys,

I want to read the WSJ article that Eric sent in the calendar invite, but you need a subscription to access it. Have you guys read it or have access to the full text? Thanks

Michael

--

Michael Goldberg
U.S. Environmental Protection Agency
Standards and Risk Management Division
Office of Ground Water & Drinking Water
1200 Pennsylvania Avenue N.W.
Washington, D.C. 20460
(202) 564-1379

Detroit Free Press [Received 1/25] – PB pending OGC

Question: I found the LCR revisions and have a question about a line in here I'm hoping you can get me an answer to. In the recommendations from the working group, it says the EPA should "Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes". Can you point me to the language of that current rule regarding CCT and changes to source water or treatment? I've been looking around for some time but haven't been able to put my hands on such a rule.

Draft Response (Protection Branch)-

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Question: I'm working on an editorial about the issues raised in Friday's story in the Guardian, and I'm hoping somebody can help me with the following: Is it accurate that the EPA allows cities and water agencies to ask residents to pre-flush their water before lead testing, along with similar techniques that result in lowering the amount of lead that appears in the tested water? If so, is there an explanation for why the EPA allows those practices to continue?

Protection Branch (Victoria Banks) -

The Guardian [Received 1/26] – PB

Follow-up Question: Does the EPA still discourage water utilities from instructing people to pre-flush or flush taps or remove aerators prior to taking a sample? If so, why has the EPA not sought to ban these practices due to their influence on LCR tests?

Protection Branch (Eddy V)-

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Protection Branch (Maria) -

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Protection (Maria)-

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Question: Would the EPA consider requiring third-party testers which are not located in water districts?

To: Lieberman, Richard[Lieberman.Richard@epa.gov]
From: Dugan, Alison
Sent: Thur 1/28/2016 3:53:54 PM
Subject: RE: Help from AWOP team Thursday morning

Thanks for bringing that up with Greg!

-Alison

From: Lieberman, Richard
Sent: Thursday, January 28, 2016 8:59 AM
To: Carroll, Gregory <Carroll.Gregory@epa.gov>
Cc: Dugan, Alison <Dugan.Alison@epa.gov>
Subject: RE: Help from AWOP team Thursday morning

Greg,

Something to keep in mind as we go forward.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Rick

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 8:51 AM
To: Speth, Thomas <Speth.Thomas@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Dugan, Alison <Dugan.Alison@epa.gov>; Alexander, Matthew <Alexander.Matthew@epa.gov>; Lieberman, Richard <Lieberman.Richard@epa.gov>
Subject: RE: Help from AWOP team Thursday morning

Peter:

Deliberative Process / Ex. 5

Greg

From Alison:

Deliberative Process / Ex. 5

data.

From: Speth, Thomas
Sent: Thursday, January 28, 2016 7:07 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Carroll, Gregory <Carroll.Gregory@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

To: Polk, Denise[Polk.Denise@epa.gov]
From: Hogan, Joanne
Sent: Thur 1/28/2016 4:02:20 PM
Subject: FW: DUE BY NOON TODAY Sen. Stabenow TA Request
JAC16124 XML (130 PM 1.26).doc

Joanne M. Hogan

Attorney-Advisor

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5463

From: Holden, Allison
Sent: Thursday, January 28, 2016 7:37 AM
To: Humes, Hamilton <Humes.Hamilton@epa.gov>; Blackman, Richard <Blackman.Richard@epa.gov>; Williams, Molly <williams.molly@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>
Cc: Hogan, Joanne <Hogan.Joanne@epa.gov>
Subject: Fw: DUE BY NOON TODAY Sen. Stabenow TA Request

Hi OCFO Friends,

Apologies for last minute request -- we're on a tight deadline to provide technical drafting assistance on a bill regarding Flint, MI. **Deadline is noon today, notwithstanding OPM delays (we've already asked for an extension, it was denied.)** Unfortunately, if I don't hear back by then, it's going back to the hill as I've edited it.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you!

Allison Holden

Attorney-Advisor

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

Phone: (202) 564-3841

From: Holden, Allison
Sent: Wednesday, January 27, 2016 5:19 PM
To: Hogan, Joanne; Sisson, Ann
Cc: Redden, Kenneth; Askew, Wendel; Packard, Elise
Subject: FW: Sen. Stabenow TA Request - QUICK TURNAROUND

Hi Joanne and Ann,

[Note deadline of 12:00 noon on Thursday Jan 28 from OCIR.]

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Allison Holden

Attorney-Advisor

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

Phone: (202) 564-3841

From: Hogan, Joanne

Sent: Tuesday, January 26, 2016 3:11 PM

To: Holden, Allison <Holden.Allison@epa.gov>

Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Redden, Kenneth
<Redden.Kenneth@epa.gov>; Packard, Elise <Packard.Elise@epa.gov>

Subject: FW: Sen. Stabenow TA Request - QUICK TURNAROUND

Hi Allison---

Can you take a look at this from an appropriations perspective? Thank you. Joanne.

Joanne M. Hogan

Attorney-Advisor

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

(202) 564-5463

From: Cooper, Tiffany
Sent: Tuesday, January 26, 2016 3:08 PM
To: Hogan, Joanne <Hogan.Joanne@epa.gov>
Cc: Davis, CatherineM <Davis.CatherineM@epa.gov>
Subject: FW: Sen. Stabenow TA Request - QUICK TURNAROUND

Cathy... pushing this to Joanne as well. Please include her on TA requests. I hate making the distribution even wider but Joanne is crucial. Thanks!!

Tiffany L. Cooper

Budget Officer

Office of Ground Water and Drinking Water

US EPA

Phone: 202-564-1586

From: Davis, CatherineM
Sent: Tuesday, January 26, 2016 2:59 PM
To: Cooper, Tiffany <Cooper.Tiffany@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Clark, Becki <Clark.Becki@epa.gov>; Bissonette, Eric <Bissonette.Eric@epa.gov>; Travers, David <Travers.David@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; King, Carol <King.Carol@epa.gov>; Wehling, Carrie <Wehling.Carrie@epa.gov>; Asher, Jonathan

<Asher.Jonathan@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Peck, Gregory
<Peck.Gregory@epa.gov>; Fortin, Denise <Fortin.Denise@epa.gov>

Subject: Sen. Stabenow TA Request - QUICK TURNAROUND

Attached is a rough draft and below an outline of an emergency bill for Flint. TA is requested by **NOON on Thursday, January 28**. When you read the bill, please let me know immediately if there are any red flags or if you need any clarification. They're requesting general TA on all sections except Sec. 4803, and they have the following specific questions:

- Do they need to create any exemptions to SDWA to allow EPA to utilize the new authority provided in the bill?
- Would it be EPA's preference for the state to receive the money, but specify the agency has ultimate authority to sign off on how the funding is used?
- What other eligible activities should be specifically mentioned as being eligible for direct grants?

Outline

TITLE I: INFRASTRUCTURE

Drinking Water Revolving Fund:

Funding amount: \$400 million

Funding source: FEMA Disaster Relief Fund or not offset

Matching fund: \$1:\$1 federal/nonfederal match

EPA can use this funding to issue direct grants to the State of Michigan and the City of Flint, to hire new personnel, and to cover the cost of technical assistance provided by the EPA or private entities/individuals contracted by the EPA.

EPA consults with state and Flint, but EPA has final say on spending.

Direct grants can be awarded for any activities that EPA deems necessary to ensure the City of Flint's drinking water supply does not contain lead levels that threaten public health or the environment or any other pathogens that pose a threat to public health.

o Specific activities eligible for direct grants include but are not limited to inspection of public and private water service lines in the City of Flint; corrosion control/optimization of public and private water service lines in the City of Flint; repair and replacement of public and private water services lines in the City of Flint; optimization/repair/replacement of existing or new public and private water lines needed prior to or after construction of Karegnondi Water Authority (KWA) pipeline.

The authority for this program shall expire on March 1, 2021, any unspent and unobligated funds as of that date shall be reprogrammed to FEMA's Disaster Relief Fund or to the general fund (depending on whether we offset with funding from Disaster Relief Fund.)

Within 45 days of the start of fiscal years 2017, 2018, 2019, and 2020 the EPA shall report to the Senate and House Appropriation Committees, Senate Environment and Public Works Committee, the Senate Homeland Security and Government Affairs Committee, the House Energy and Commerce Committee, and the House Transportation and Infrastructure Committee on actions to achieve the aforementioned objectives.

Loan Forgiveness

State has authority to use money Drinking Water State Revolving Fund to absolve Flint's drinking water infrastructure loans.

TITLE II: Peters Reporting Bill

Not later than 15 days after the date of an exceedance of a lead action level, EPA **SHALL** notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity

Cathy Davis

Office of Congressional and
Intergovernmental Relations

202-564-2703

davis.catherinem@epa.gov

Send mail to:

US Environmental Protection Agency

1200 Pennsylvania Ave, NW

MC: 1305A

Washington, DC 20460

To: Fontaine, Tim[Fontaine.Tim@epa.gov]
From: Blackman, Richard
Sent: Thur 1/28/2016 4:11:24 PM
Subject: FW: DUE BY NOON TODAY Sen. Stabenow TA Request

TIM,

comments on this? Grants folks are also looking at it

richard b

202 564 6677

From: Roth, Francis
Sent: Thursday, January 28, 2016 11:05 AM
To: Blackman, Richard <Blackman.Richard@epa.gov>
Cc: Polk, Denise <Polk.Denise@epa.gov>; VanHaagen, Paula <vanhaagen.paula@epa.gov>
Subject: RE: DUE BY NOON TODAY Sen. Stabenow TA Request

Richard

I am copying Denise on this. Paula as well, since West handles FEMA.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks,

Frank

Frank N. Roth

Chief, Fellowship, SEE and IA Branch

Office of Grants and Debarment

Roth.francis@epa.gov

202 564 5311 (O)

Personal Phone / Ex. 6

202 565 2470 (F)

From: Blackman, Richard

Sent: Thursday, January 28, 2016 10:54 AM

To: Roth, Francis <Roth.Francis@epa.gov>

Subject: FW: DUE BY NOON TODAY Sen. Stabenow TA Request

fyi, thoughts on this?

thanks

richard B

202 564 6677

From: Holden, Allison
Sent: Thursday, January 28, 2016 7:37 AM
To: Humes, Hamilton <Humes.Hamilton@epa.gov>; Blackman, Richard <Blackman.Richard@epa.gov>; Williams, Molly <williams.molly@epa.gov>; Lavergne, Dany <lavergne.dany@epa.gov>
Cc: Hogan, Joanne <Hogan.Joanne@epa.gov>
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The attached proposed bill gives EPA money for the purposes of making grants to Flint, MI to address their lead problem. Please see subsection (e) of the attached bill. You'll notice the scheme they've set up is for FEMA to transfer money from the Disaster Relief Fund to EPA, and if any money is unobligated by the year 2021, that money gets transferred back to FEMA. Note I said *transfer* -- this would not be your typical interagency agreement.

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thank you!

Allison Holden

Attorney-Advisor

Civil Rights and Finance Law Office

Office of General Counsel

U.S. Environmental Protection Agency

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[Note deadline of 12:00 noon on Thursday Jan 28 from OCIR.]

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Below are the edits I would suggest.

Deliberative Process / Ex. 5

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Cc: Askew, Wendel <Askew.Wendel@epa.gov>; Redden, Kenneth
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Office of General Counsel

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(202) 564-5463

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Cc: Davis, CatherineM <Davis.CatherineM@epa.gov>
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Budget Officer

Office of Ground Water and Drinking Water

US EPA

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Tiff got OGC involved on Tuesday. The incoming was from Cathy

Greg Spraul

Acting Associate Director
Resource Management Staff

Office of Water

U.S. Environmental Protection Agency

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Subject: Sen. Stabenow TA Request - QUICK TURNAROUND

Attached is a rough draft and below an outline of an emergency bill for Flint. TA is requested by **NOON on Thursday, January 28**. When you read the bill, please let me know immediately if there are any red flags or if you need any clarification. They're requesting general TA on all sections except Sec. 4803, and they have the following specific questions:

- Do they need to create any exemptions to SDWA to allow EPA to utilize the new authority provided in the bill?
- Would it be EPA's preference for the state to receive the money, but specify the agency has ultimate authority to sign off on how the funding is used?

- What other eligible activities should be specifically mentioned as being eligible for direct grants?

Outline

TITLE I: INFRASTRUCTURE

Drinking Water Revolving Fund:

Funding amount: \$400 million

Funding source: FEMA Disaster Relief Fund or not offset

Matching fund: \$1:\$1 federal/nonfederal match

EPA can use this funding to issue direct grants to the State of Michigan and the City of Flint, to hire new personnel, and to cover the cost of technical assistance provided by the EPA or private entities/individuals contracted by the EPA.

EPA consults with state and Flint, but EPA has final say on spending.

Direct grants can be awarded for any activities that EPA deems necessary to ensure the City of Flint's drinking water supply does not contain lead levels that threaten public health or the environment or any other pathogens that pose a threat to public health.

o Specific activities eligible for direct grants include but are not limited to inspection of public and private water service lines in the City of Flint; corrosion control/optimization of public and private water service lines in the City of Flint; repair and replacement of public and private water services lines in the City of Flint; optimization/repair/replacement of existing or new public and private water lines needed prior to or after construction of Karegnondi Water Authority (KWA) pipeline.

The authority for this program shall expire on March 1, 2021, any unspent and unobligated funds as of that date shall be reprogrammed to FEMA's Disaster Relief Fund or to the general fund (depending on whether we offset with funding from Disaster Relief Fund.)

Within 45 days of the start of fiscal years 2017, 2018, 2019, and 2020 the EPA shall report to the Senate and House Appropriation Committees, Senate Environment and Public Works Committee, the Senate Homeland Security and Government Affairs Committee, the House Energy and Commerce Committee, and the House Transportation and Infrastructure Committee on actions to achieve the aforementioned objectives.

Loan Forgiveness

State has authority to use money Drinking Water State Revolving Fund to absolve Flint's drinking water infrastructure loans.

TITLE II: Peters Reporting Bill

Not later than 15 days after the date of an exceedance of a lead action level, EPA **SHALL** notify the public of the concentrations of lead found in the monitoring activity conducted by the public water system if the public water system or the State does not notify the public of the concentrations of lead found in a monitoring activity

Cathy Davis

Office of Congressional and

Intergovernmental Relations

202-564-2703

davis.catherinem@epa.gov

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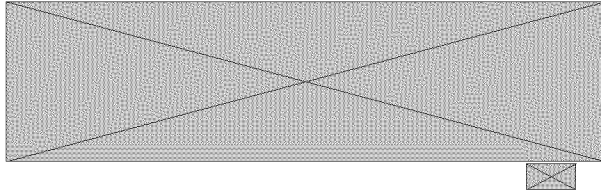
US Environmental Protection Agency

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MC: 1305A

Washington, DC 20460

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January 28, 2016



Drought Pushes South Africa To Water, Energy, and Food Reckoning

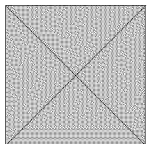
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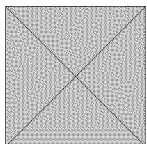
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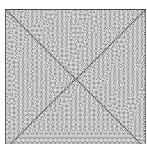
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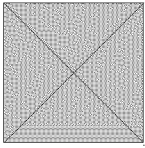
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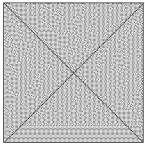


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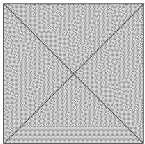


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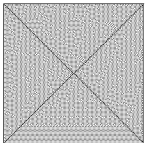


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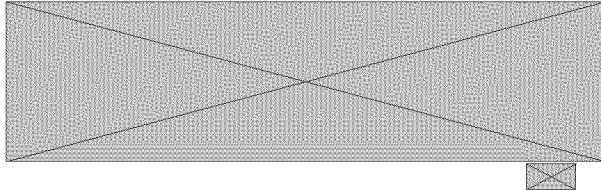
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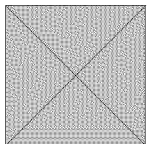
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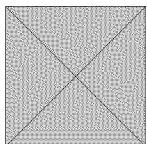
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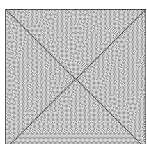
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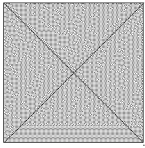
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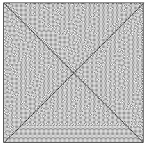


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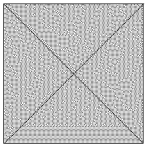


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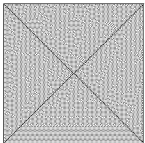


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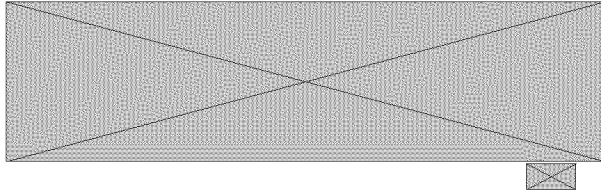
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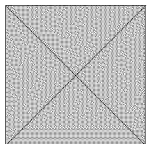
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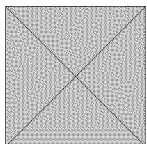
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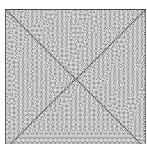
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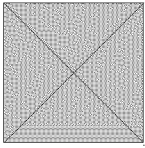
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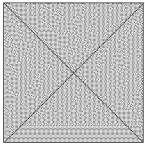


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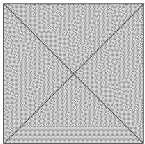


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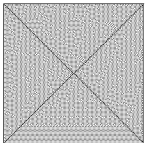


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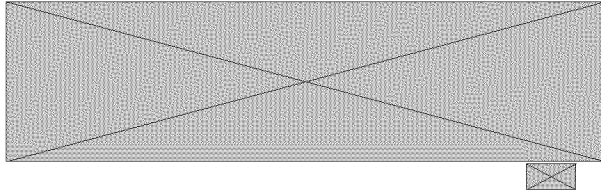
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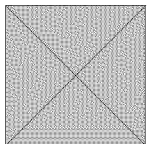
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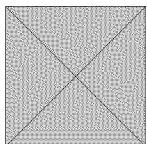
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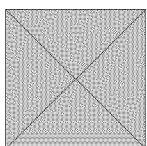
Drought Pushes South Africa To Water, Energy, and Food Reckoning

Cities run dry and harvests retreat in an already reeling nation.
Posted on January 19, 2016



Could Insurance Markets Help Water Utilities Respond to Drought?

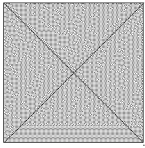
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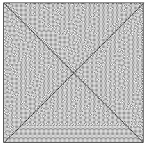


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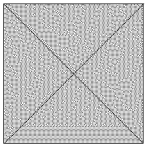


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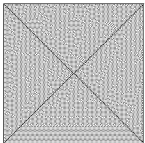


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Metroc farm is full of slow moving product that doesn't bite....hard. Read More... Share this article: Share on Facebook (Opens in new window) Click... [Read More...](#)

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Expert Council Recommends Eliminating Lead Drinking Water Lines

Federal rules are not strict enough to prevent lead poisoning Read More... Share this article: Share on Facebook (Opens in new window) Click to share on Twitter... [Read More...](#)

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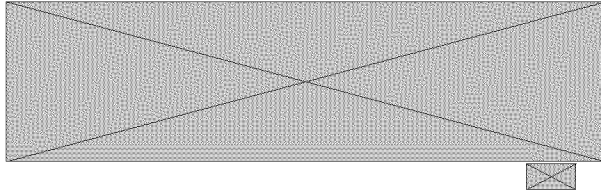
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From: Circle of Blue
Sent: Thur 1/28/2016 4:23:07 PM
Subject: Weekly Water News | January 28, 2016



January 28, 2016



Drought Pushes South Africa To Water, Energy, and Food Reckoning

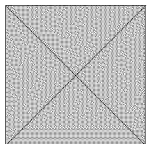
Dear Linda,

The endowment of optimism and progress that South Africans embraced at the start of the new multi-racial elections and the formal end of Apartheid in 1994 has dissolved into a period of deepening national economic and social stress. The worst days in the 22-year post-Apartheid era are unfolding as the deepest drought in 34 years aggravates unemployment, leads to municipal water shortages and crop failures, and unsettles a nation of 55 million residents. Circle of Blue is in South Africa for seven weeks at the start of 2016.

This week we start our [Choke Point: South Africa project](#) with two reports on how this nation of geographic magnificence and economic tumult is responding to the 21st century environmental shape-shifting that is changing patterns of rainfall and snowmelt, and affecting supplies of water, energy, and food.

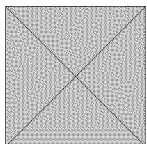
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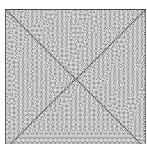
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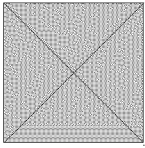
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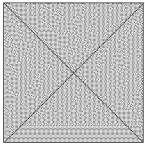


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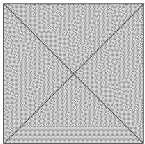


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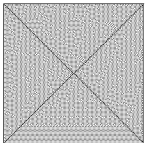


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South Africa Crocodile Farm, Hurt By Drought, Is Where Gucci Bags Start

Metroc farm is full of slow moving product that doesn't bite....hard. Read More... Share this article: Share on Facebook (Opens in new window) Click... [Read More...](#)

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To: Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
Cc: Helm, Erik[Helm.Erik@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Ellis, Jerry[Ellis.Jerry@epa.gov]
From: Huff, Lisa
Sent: Thur 1/28/2016 4:47:14 PM
Subject: FW: LCR Q&A

Jeff,

Deliberative Process / Ex. 5

Lisa Foersom Huff

Associate Branch Chief

Targeting and Analysis Branch

Standards and Risk Management Division

Office of Groundwater and Drinking Water

U.S. EPA

EPA East Bldg. Rm. 2331 C

202-566-0787

From: Lopez-Carbo, Maria
Sent: Thursday, January 28, 2016 10:46 AM
To: Huff, Lisa <Huff.Lisa@epa.gov>
Subject: Q&A

Good Morning Lisa:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Thanks.

CO Roll Call [Received 1/27] – TAB

Question: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Question: Looking here: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions> I see that the working group appears to have completed its meetings and was to make recommendations to the National Drinking Water Advisory Council, which was then to make its own report to EPA.

Question: I have a few questions, but one of them is whether this process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health. As you may know, complaints have been aired by a resident of Flint and others that the current rule allows loopholes that let Flint or other places to effectively comply without protecting public health.

Gizmodo [Received 1/27] - TAB

Question: What is the EPA doing to address testing methods in cities that are being accused of practices that miss lead? (Guardian response?)

Question: Would the EPA consider requiring third-party testers which are not located in water districts?

Maria A. Lopez Carbo

Branch Chief – Protection Branch

Drinking Water Protection Division

Office of Ground Water & Drinking Water

202-564-4618

To: Dugan, Alison[Dugan.Alison@epa.gov]
From: Lieberman, Richard
Sent: Thur 1/28/2016 4:53:59 PM
Subject: RE: Help from AWOP team Thursday morning

Nonresponsive Discussion of Personal Matters / Ex. 6 I have been reviewing the Administrative Order and finding some interesting information. FYI, food for thought - On lead and copper testing:

Deliberative Process / Ex. 5

On water age:

Deliberative Process / Ex. 5

Rick

From: Dugan, Alison
Sent: Thursday, January 28, 2016 10:54 AM
To: Lieberman, Richard <Lieberman.Richard@epa.gov>
Subject: RE: Help from AWOP team Thursday morning

Thanks for bringing that up with Greg!

-Alison

From: Lieberman, Richard
Sent: Thursday, January 28, 2016 8:59 AM
To: Carroll, Gregory <Carroll.Gregory@epa.gov>
Cc: Dugan, Alison <Dugan.Alison@epa.gov>
Subject: RE: Help from AWOP team Thursday morning

Greg,

Deliberative Process / Ex. 5

Rick

From: Carroll, Gregory
Sent: Thursday, January 28, 2016 8:51 AM
To: Speth, Thomas <Speth.Thomas@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Dugan, Alison <Dugan.Alison@epa.gov>; Alexander, Matthew <Alexander.Matthew@epa.gov>; Lieberman, Richard <Lieberman.Richard@epa.gov>
Subject: RE: Help from AWOP team Thursday morning

Peter:

Deliberative Process / Ex. 5

See below for Alison Dugan's characterization of the typical DSO approach under AWOP, and discussion of how it could be expanded/adapted to address a situation like Flint. But again, I

Deliberative Process / Ex. 5

Greg

From Alison:

Deliberative Process / Ex. 5

From: Speth, Thomas

Sent: Thursday, January 28, 2016 7:07 AM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>

Cc: Carroll, Gregory <Carroll.Gregory@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>

Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

To: Livingston, Peggy[Livingston.Peggy@epa.gov]
From: Darman, Leslie
Sent: Thur 1/28/2016 5:28:26 PM
Subject: RE: Would you please send that November 3rd memo?
[occt req memo signed pg 2015-11-03-155158 508.pdf](#)

Here you go.

Leslie Darman

Office of General Counsel

Water Law Office

202-564-5452

From: Livingston, Peggy
Sent: Thursday, January 28, 2016 12:27 PM
To: Darman, Leslie <Darman.Leslie@epa.gov>
Subject: Would you please send that November 3rd memo?

On the conference call, I just now heard you reference a November 3rd memo about corrosion control requirements. Thank you.

Peggy Livingston

Senior Enforcement Attorney

Legal Enforcement Program

U.S. EPA Region 8

1595 Wynkoop St.

Denver, CO 80202

(303) 312-6858 (phone)

(303) 312-7202 (fax)

To: Alexander, Matthew[Alexander.Matthew@epa.gov]
From: American Water Works Association Ohio Section
Sent: Thur 1/28/2016 5:30:52 PM
Subject: H2O in the Know - Jan. 28, 2016 issue

This message was sent to alexander.matthew@epa.gov

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Deadline is February 26, 2016

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OAWWA

Northwest District Spring Meeting — **March 24, 2016**

Southern Expo — **April 12, 2016**

Northern Expo — **April 14, 2016**

Southeast/Southwest District Joint Meeting — **April 21, 2016**

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We are now accepting requests for 2016 advertisements in the Ohio Section American Water Works Association Newsletter.

The 2016 Newsletters will continue to be published in FULL COLOR! The newsletter is published three times per year in the spring, summer and winter and is forwarded to over 2,000 water professionals. The annual contract prices listed include three insertions for the entire year, i.e., a quarter page ad is \$650 for the entire year! There is no charge for copy changes for client prepared ads of the same size. Here is [link](#) to the **contract** form for advertising in 2016, which should be self-explanatory. **Ads must be pre-paid. Please return the form with your check.** The first issue will be published in April 2016. We ask that the contract and new camera-ready color or black-and-white ads (or electronic files) be returned by Jan. 4, 2016 There is no better way to reach so many water professionals, three times per year! If you have any questions or concerns, please contact Larry Valentine at 330-328-2137.

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TRENDING ARTICLES

Missed last week's issue? See which articles your colleagues read most.

- [Flint's drinking water crisis: 5 things to know](#) (USA Today)
- [Congress passes bill to fight EPA water rule](#) (The Columbus Dispatch)
- [Mark Your Calendar! Upcoming District Events](#) (OAWWA)
- [Pataskala receives passing marks for water quality](#) (The Newark Advocate)
- [NASA Glenn Research Center aims to fight toxic algae](#) (Crain's Cleveland Business)

Don't be left behind. [Click here](#) to see what else you missed.

INDUSTRY NEWS

Ohio town closes schools as state EPA demands more water tests

CNN

Following on the heels of the tainted water crisis in Flint, Michigan, Ohio officials have shut down schools in a small town over concerns about its drinking water. The Ohio Environmental Protection Agency has warned some residents not to drink tap water after samples from homes and schools showed unsafe lead levels in Sebring, a town 70 miles southeast of Cleveland. [READ MORE](#)

Ohio water manager denies faking reports on high lead tests

The Salt Lake Tribune

A water treatment plant manager denied allegations made by Ohio's environmental agency that he falsified reports about high levels of lead and copper being detected in some homes last summer. The state Environmental Protection Agency said the operator of the small water system near Youngstown failed to notify the public for months that unsafe levels of lead had been found and submitted "misleading, inaccurate or false reports." [READ MORE](#)

Dayton takes every precaution for safe drinking water

WDTN-TV

With all the recent headlines out of Flint, Michigan, and its water filled with lead, several people are wondering if what they put in their cups or even use for bath-time with their kids is safe. Dayton has held its reputation for having some of the nation's best drinking water. It prompted WDTN-TV to ask what the city is doing to hold that honor and keep

safe the residents who use its water supply system. [READ MORE](#)

DeWine and Ohio EPA announce lawsuit to ensure safe drinking water at mobile home park

WDTN-TV

Ohio Attorney General Mike DeWine and Ohio Environmental Protection Agency Director Craig W. Butler recently announced a lawsuit and a motion for a temporary restraining order against Pineview Pines Estates and its owner for numerous violations of Ohio's safe drinking water laws, which left residents without drinking water on several occasions. [READ MORE](#)

MISSED AN ISSUE OF H2O IN THE KNOW? [VISIT AND SEARCH](#) THE ARCHIVE TODAY.

What you need to know about water quality regulations

Ohio's Country Journal and the Ohio Ag Net

By the law and regulations created with the passage of Senate Bill 150 in 2014, anyone in Ohio who applies fertilizer to 50 acres or more must be certified. This law applies to fertilizer. If it's manure, lime or other farm residue, you do not need to be certified by this law. [READ MORE](#)

Ohio EPA requests nominations to finance 2017 drinking water projects

RealEstateRama

Ohio EPA is accepting nominations to finance drinking water infrastructure improvements through the Water Supply Revolving Loan Account. [READ MORE](#)

Multistate water program hopes to stand on its own 2 feet in 2016

Ecosystem Marketplace

The Ohio River Basin Trading Project is the largest water-quality-trading program in the United States, but it's still dependent on the generosity of donors for survival. This year, it aims to build its base of paying customers with a multipronged strategy that includes videos and impact investors. [READ MORE](#)

Mt. Vernon to residents: Don't blame us for strange stains on your clothes

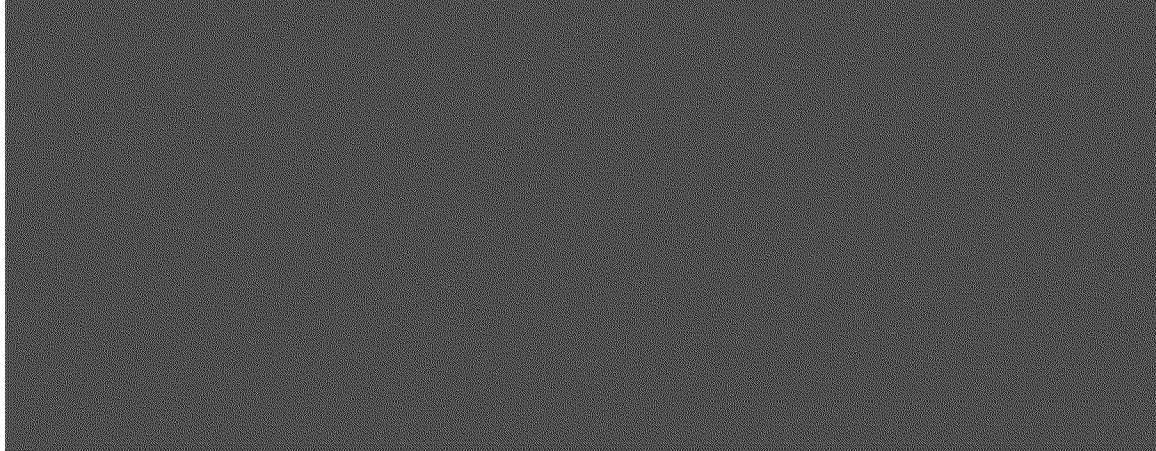
WBNS-TV

Residents of Mt. Vernon are saying their city's water supply is ruining their clothes in the washer. The city says the water is clean, but complaints have been an issue for more than a decade. Brenda Crawl said washing clothes is like playing a game or Russian roulette; she never knows when the next load will come out with ugly, rust-colored stains. [READ MORE](#)

American Municipal Power turns water into watts

cleveland.com

American Municipal Power has opened the first of four small power plants fueled only by water flowing down the Ohio River. AMP is the wholesale supplier to 132 municipal power systems in Ohio and eight other states. In Northeast Ohio, Cleveland Public Power as well as Amherst, Grafton, Newton Falls and Oberlin municipal systems are among the scores of cities in five states that will receive the power. [READ MORE](#)



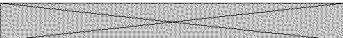
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To: Dugan, Alison[Dugan.Alison@epa.gov]
From: American Water Works Association Ohio Section
Sent: Thur 1/28/2016 5:30:52 PM
Subject: H2O in the Know - Jan. 28, 2016 issue

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Northwest District Spring Meeting — **March 24, 2016**

Southern Expo — **April 12, 2016**

Northern Expo — **April 14, 2016**

Southeast/Southwest District Joint Meeting — **April 21, 2016**

Reserve Your Space in the 2016 Ohio Section Newsletter

We are now accepting requests for 2016 advertisements in the Ohio Section American Water Works Association Newsletter.

The 2016 Newsletters will continue to be published in FULL COLOR! The newsletter is published three times per year in the spring, summer and winter and is forwarded to over 2,000 water professionals. The annual contract prices listed include three insertions for the entire year, i.e., a quarter page ad is \$650 for the entire year! There is no charge for copy changes for client prepared ads of the same size. Here is [link](#) to the **contract** form for advertising in 2016, which should be self-explanatory. **Ads must be pre-paid. Please return the form with your check.** The first issue will be published in April 2016. We ask that the contract and new camera-ready color or black-and-white ads (or electronic files) be returned by Jan. 4, 2016 There is no better way to reach so many water professionals, three times per year! If you have any questions or concerns, please contact Larry Valentine at 330-328-2137.

[Click here](#) for ad sizes and specifications.

[Click here](#) for contract form for advertising.

Did you know about AWWA's eLearning program?

OAWWA

Did you know about AWWA's eLearning program, offering [self-paced](#) and [instructor-led](#) online courses for water industry professionals? We offer quality training and [professional development and continuing education units](#) with the ability to learn on your

own time and at your own pace. Explore a variety of subjects, methods, and strategies with an [eLearning Subscription](#) or [Webinar Bundle](#). Available for individuals and organizations!

To see what's available click [HERE!](#)

TRENDING ARTICLES

Missed last week's issue? See which articles your colleagues read most.

- [Flint's drinking water crisis: 5 things to know](#) (USA Today)
- [Congress passes bill to fight EPA water rule](#) (The Columbus Dispatch)
- [Mark Your Calendar! Upcoming District Events](#) (OAWWA)
- [Pataskala receives passing marks for water quality](#) (The Newark Advocate)
- [NASA Glenn Research Center aims to fight toxic algae](#) (Crain's Cleveland Business)

Don't be left behind. [Click here](#) to see what else you missed.

INDUSTRY NEWS

Ohio town closes schools as state EPA demands more water tests

CNN

Following on the heels of the tainted water crisis in Flint, Michigan, Ohio officials have shut down schools in a small town over concerns about its drinking water. The Ohio Environmental Protection Agency has warned some residents not to drink tap water after samples from homes and schools showed unsafe lead levels in Sebring, a town 70 miles southeast of Cleveland. [READ MORE](#)

Ohio water manager denies faking reports on high lead tests

The Salt Lake Tribune

A water treatment plant manager denied allegations made by Ohio's environmental agency that he falsified reports about high levels of lead and copper being detected in some homes last summer. The state Environmental Protection Agency said the operator of the small water system near Youngstown failed to notify the public for months that unsafe levels of lead had been found and submitted "misleading, inaccurate or false reports." [READ MORE](#)

Dayton takes every precaution for safe drinking water

WDTN-TV

With all the recent headlines out of Flint, Michigan, and its water filled with lead, several people are wondering if what they put in their cups or even use for bath-time with their kids is safe. Dayton has held its reputation for having some of the nation's best drinking water. It prompted WDTN-TV to ask what the city is doing to hold that honor and keep

safe the residents who use its water supply system. [READ MORE](#)

DeWine and Ohio EPA announce lawsuit to ensure safe drinking water at mobile home park

WDTN-TV

Ohio Attorney General Mike DeWine and Ohio Environmental Protection Agency Director Craig W. Butler recently announced a lawsuit and a motion for a temporary restraining order against Pineview Pines Estates and its owner for numerous violations of Ohio's safe drinking water laws, which left residents without drinking water on several occasions. [READ MORE](#)

MISSED AN ISSUE OF H2O IN THE KNOW? [VISIT AND SEARCH](#) THE ARCHIVE TODAY.

What you need to know about water quality regulations

Ohio's Country Journal and the Ohio Ag Net

By the law and regulations created with the passage of Senate Bill 150 in 2014, anyone in Ohio who applies fertilizer to 50 acres or more must be certified. This law applies to fertilizer. If it's manure, lime or other farm residue, you do not need to be certified by this law. [READ MORE](#)

Ohio EPA requests nominations to finance 2017 drinking water projects

RealEstateRama

Ohio EPA is accepting nominations to finance drinking water infrastructure improvements through the Water Supply Revolving Loan Account. [READ MORE](#)

Multistate water program hopes to stand on its own 2 feet in 2016

Ecosystem Marketplace

The Ohio River Basin Trading Project is the largest water-quality-trading program in the United States, but it's still dependent on the generosity of donors for survival. This year, it aims to build its base of paying customers with a multipronged strategy that includes videos and impact investors. [READ MORE](#)

Mt. Vernon to residents: Don't blame us for strange stains on your clothes

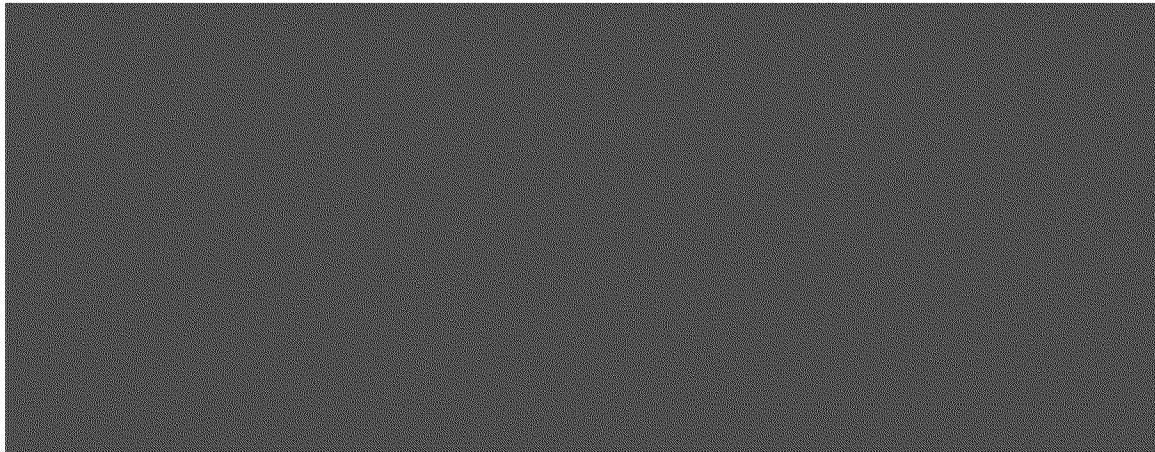
WBNS-TV

Residents of Mt. Vernon are saying their city's water supply is ruining their clothes in the washer. The city says the water is clean, but complaints have been an issue for more than a decade. Brenda Crawl said washing clothes is like playing a game of Russian roulette; she never knows when the next load will come out with ugly, rust-colored stains. [READ MORE](#)

American Municipal Power turns water into watts

cleveland.com

American Municipal Power has opened the first of four small power plants fueled only by water flowing down the Ohio River. AMP is the wholesale supplier to 132 municipal power systems in Ohio and eight other states. In Northeast Ohio, Cleveland Public Power as well as Amherst, Grafton, Newton Falls and Oberlin municipal systems are among the scores of cities in five states that will receive the power. [READ MORE](#)



H2O in the Know

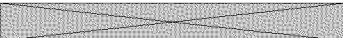
Connect with OAWWA

| | | |
, Vice President of Publishing, 469-420-2601 |
L

American Waters Works Association Ohio Section

17 South High Street | Columbus, Ohio 43215 | 844-766-2845 |

to add us to your safe sender list so our emails get to your inbox.


7701 Las Colinas Ridge, Ste. 800, Irving, TX 75063

To: Burneson, Eric[Burneson.Eric@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 5:53:43 PM
Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Lisa,

Do you have a status on this? It's #1 on the list for OPA to get out asap.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina
Sent: Wednesday, January 27, 2016 2:31 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Subject: FW: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]
Importance: High

Can we provide any details regarding Q2?

Question1: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Deliberative Process / Ex. 5

Question2. This process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Schollhamer, Mary

Sent: Wednesday, January 27, 2016 12:24 PM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Below. Thanks!

Mary G Schollhamer

Acting Deputy Director of Communications

Office of Water

U.S. Environmental Protection Agency

Office: 202-564-5759

Personal Phone / Ex. 6

schollhamer.mary@epa.gov

From: Lee, Monica

Sent: Wednesday, January 27, 2016 12:22 PM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: FW: Checking in LCR

Mary – this inquiry came in from CQ Roll call last night – his deadline is tomorrow afternoon. I'm going to send a list of inquiries we still need to try to address, but this one should be a top priority.

Feel free to call to discuss.

Here's the original inquiry:

I'm writing on the Flint story in more detail for a CQ Weekly story to run Friday online and in the magazine on Monday.

Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Looking here: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions>

I see that the working group appears to have completed its meetings and was to make recommendations to the National Drinking Water Advisory Council, which was then to make its own report to EPA.

I have a few questions, but one of them is whether this process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

As you may know, complaints have been aired by a resident of Flint and others that the current rule allows loopholes that let Flint or other places to effectively comply without protecting public health.

thanks

Ed Felker
Reporter

CQ Roll Call

O: 202-650-6426

Personal Phone / Ex. 6

Twitter: [@energyreporter](https://twitter.com/energyreporter)

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

Personal Phone / Ex. 6

lee.monica@epa.gov

To: Burneson, Eric[Burneson.Eric@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 5:54:57 PM
Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Sorry Jeff,

I should have included you.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 12:54 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

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Email: wadlington.christina@epa.gov

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Sent: Wednesday, January 27, 2016 2:31 PM

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Deliberative Process / Ex. 5

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Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

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Email: wadlington.christina@epa.gov

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Sent: Wednesday, January 27, 2016 12:24 PM

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Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Below. Thanks!

Mary G Schollhamer

Acting Deputy Director of Communications

Office of Water

U.S. Environmental Protection Agency

Office: 202-564-5759

Mobile: 202-853-5317

schollhamer.mary@epa.gov

From: Lee, Monica

Sent: Wednesday, January 27, 2016 12:22 PM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>
Subject: FW: Checking in LCR

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thanks

Ed Felker
Reporter

CQ Roll Call

O: 202-650-6426

M: 202-277-2487

Twitter: [@energyreporter](https://twitter.com/energyreporter)

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

Cell: 202-713-6902

lee.monica@epa.gov

Request Date 10/20/2015

Request Title or Identifier EPA R5-2015-011299

Friendly Title

Collection Purpose FOIA

Relevant Information

Keywords

1) Flint AND (Walters OR (Optimal AND Corrosion AND Control) OR (Corrosion AND Control AND Treatment) OR Optimized OR OCCT OR CCT OR Kildee OR Lead OR Pb OR ACLU OR "Water Filters" OR "Lead Service Line Replacement" OR "Virginia Tech" OR Edwards OR "bottled water"

2) For all custodians other than Miguel DelToral: (Miguel OR Deltoral) and Flint

Start Date 7/9/2015

End Date 9/29/2015

De-duplication No

Estimated # of Docs 1,000

Required By Date 10/30/2015

Contact Hoff, David

Contact Organization Region 5

Contact Phone 312-353-0623

Contact Title SPOC

Alternate POC Calvin, Lynn

Request Output Outlook Only

Assigned To Mehboob, Gulpanrha

Status Ready

Status Date 10/21/2015 9:33 AM

Status Comment

Technician Status Notes

custodian list updated - added two more custodians

Bob Kaplan, Kaplan.robert@epa.gov

Rett Nelson, Nelson.Leverett@epa.gov

ED # ED_000553

Attachments

Part B R5-2015-011299.xlsx

Request Date 12/2/2015

Request Title or Identifier 011299 addendum

Friendly Title

Collection Purpose FOIA

Relevant Information

Keywords

Flint AND (Walters OR (Optimal AND Corrosion AND Control) OR (Corrosion AND Control AND Treatment) OR Optimized OR OCCT OR CCT OR Kildee OR Lead OR Pb OR ACLU OR "Water Filters" OR "Lead Service Line Replacement" OR "Virginia Tech" OR Edwards OR "bottled water" OR ((Miguel OR Deltoral) AND Flint)

Start Date 7/9/2015

End Date 9/29/2015

De-duplication No

Estimated # of Docs 500

Required By Date 12/5/2015

Contact Hoff, David

Contact Organization region 5

Contact Phone 312-353-0623

Contact Title SPOC

Alternate POCCalvin, Lynn

Request Output Outlook Only

Assigned To May, Christie

Status Ready

Status Date 12/4/2015 9:58 AM

Status Comment

Technician Status Notes

ED # ED_000608

Attachments

Part B R5-2015-011299a.xlsx

Request Date 12/10/2015

Request Title or Identifier R5-2016-001087

Friendly Title NRDC Flint FOIA

Collection Purpose FOIA

Relevant Information

Keywords

(MDEQ AND ((designation OR approval) AND ("optimal corrosion control treatment" OR "OCCT program") AND (Detroit OR Flint)) OR ((Review OR approval) AND "Flint river water" AND ("primary water source" OR ("Alternate water source" AND "emergency backup water source")) OR ((Flint AND water) AND (monitoring OR "sample lab reports") AND ((EPA OR MDEQ) AND Lead)) OR ("Consumer notice" AND flint AND EPA)) OR ((Lead OR Copper) AND ("Monitoring participants" OR (Flint AND ("continued operation maintenance of optimized corrosion control treatment" OR "corrosion control treatment studies" OR ("optimized corrosion control treatment" AND Designation)) OR "optimal water quality parameter" OR (determinations AND "source water treatment") OR (("additional monitoring requirements" OR actions) AND "source water change" AND "maintain corrosion control") OR "PWS determinations" OR "Public Education Materials" OR "PWS completion of public education requirements"))))

Start Date 1/1/2013

End Date 11/6/2015

De-duplication No

Estimated # of Docs 10,000

Required By Date 12/20/2015

Contact Hoff, David

Contact Organization Region 5

Contact Phone 312-353-0623

Contact Title SPOC

Alternate POC Calvin, Lynn

Request Output Outlook Only

Assigned To Ernst, Joe

Status Ready

Status Date 12/17/2015 12:06 PM

Status Comment

Technician Status Notes

ED # ED_000620

Attachments

Part B R5-2016-001087.xlsx

Request Date 1/27/2016

Request Title or Identifier R5-2016-001087 Addendum

Friendly Title NRDC Flint FOIA Addendum

Collection Purpose FOIA

Relevant Information

These custodians were left out of the initial collection ED_000620. If a load file output is possible, that would be preferable. Please contact Michael Isenger for load file parameters.

Keywords

(MDEQ AND ((designation OR approval) AND ("optimal corrosion control treatment" OR "OCCT program") AND (Detroit OR Flint)) OR ((Review OR approval) AND "Flint river water" AND ("primary water source" OR ("Alternate water source" AND "emergency backup water source")))) OR ((Flint AND water) AND (monitoring OR "sample lab reports") AND ((EPA OR MDEQ) AND Lead)) OR ("Consumer notice" AND flint AND EPA)) OR ((Lead OR Copper) AND ("Monitoring participants" OR (Flint AND ("continued operation maintenance of optimized corrosion control treatment" OR "corrosion control treatment studies" OR ("optimized corrosion control

treatment" AND Designation)) OR "optimal water quality parameter" OR (determinations AND "source water treatment") OR (("additional monitoring requirements" OR actions) AND "source water change" AND "maintain corrosion control") OR "PWS determinations" OR "Public Education Materials" OR "PWS completion of public education requirements")))

Start Date 1/1/2013

End Date 11/6/2015

De-duplication No

Estimated # of Docs 500

Required By Date 2/2/2016

Contact Hoff, David

Contact Organization Region 5

Contact Phone 312-353-0623

Contact Title SPOC

Alternate POC Calvin, Lynn

Request Output Outlook Only

Assigned To Ernst, Joe

Data Location

Status In Progress

Status Date 1/28/2016 10:55 AM

Status Comment

Technician Status Notes

ED # ED_000620B

Attachments

Part B R5-2016-001087Addendum.xlsx

To: Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]; Helm, Erik[Helm.Erik@epa.gov]
From: Moriarty, Edward
Sent: Thur 1/28/2016 6:14:08 PM
Subject: FW: VM Message

Afternoon Jeff and Erik,

Below are some questions from R5. I don't know if they are Flint or Sebring related but they asked for our assistance.

Deliberative Process / Ex. 5

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

From: Lopez-Carbo, Maria
Sent: Thursday, January 28, 2016 9:29 AM
To: Moriarty, Edward; Banks, Victoria; Viveiros, Edward
Cc: Kempic, Jeffrey
Subject: RE: VM Message

*This is meant to be a starting point, please use the language below to finalize responses.
Thanks.*

- Why was the AL set at 15 ppb?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Why did EPA set a TT and not an MCL?

Deliberative Process / Ex. 5

- Is lead treated as an acute contaminant?

Deliberative Process / Ex. 5

- Is there any newer health info for lead?

Deliberative Process / Ex. 5

From: Moriarty, Edward
Sent: Wednesday, January 27, 2016 2:51 PM
To: Bair, Rita <bair.rita@epa.gov>
Subject: VM Message

Hi Rita,

I saw that you called. I'm sitting on a call with R6.

Something I might be able to address via email?

Ed

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

To: Wilson, Shari[Wilson.Shari@epa.gov]
Cc: Denton, Loren[Denton.Loren@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Thurmon, Clarke[Thurmon.Clarke@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: King, Carol
Sent: Thur 1/28/2016 6:24:14 PM
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint -- DRG document
DRG document - EPA section (clean copy 01 28 16).docx
DRG document - EPA section.docx

Hi Shari,

I attach a redlined version of the bullet points below. I've also attached a clean copy.

Thanks,
Carol

Carol DeMarco King, Attorney-Advisor
United States Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office of Civil Enforcement/Water Enforcement Division
1200 Pennsylvania Ave., NW (Mail Code 2243A)
Washington, DC 20460
Phone: (202) 564-2412
Fax: (202) 564-0024
Email: king.carol@epa.gov

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From: Wilson, Shari
Sent: Thursday, January 28, 2016 9:32 AM
To: Pollins, Mark <Pollins.Mark@epa.gov>

Cc: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint

All – these are intended to be short term measures that each agency in the overall USG response can track. Since we are currently on the Order track, these would work for the short term. If that overall track changes, we would need to, as Mark points out. Will you please let me know if these line –up with the Order this morning?

Thanks.

Shari

From: Pollins, Mark
Sent: Wednesday, January 27, 2016 11:00 PM
To: Wilson, Shari <Wilson.Shari@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Subject: Re: INPUT NEEDED TONIGHT: EPA Measure for Flint

Loren and I just got into Lansing. Not sure what the measures are flowing into but my immediate concern is what if we pursue a response other than the AO. I am sure others responded by now.

Sent from my iPhone

On Jan 27, 2016, at 7:02 PM, Wilson, Shari <Wilson.Shari@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Natarajan, Nitin
Sent: Wednesday, January 27, 2016 4:16 PM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>;

Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert
<kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>; Wilson, Shari
<Wilson.Shari@epa.gov>; Travers, David <Travers.David@epa.gov>; Tingley, Kevin
<Tingley.Kevin@epa.gov>

Subject: INPUT NEEDED TONIGHT: EPA Measure for Flint

All,

Deliberative Process / Ex. 5

Please let me know sometime TODAY/TONIGHT, if you have any edits/issues.

Thanks in advance!

N

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Nitin Natarajan

Deputy Assistant Administrator

Office of Land and Emergency Management

Environmental Protection Agency

202-566-0200 Office

From: Natarajan, Nitin

Sent: Monday, January 25, 2016 5:20 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>

Subject: Fw: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

All,

Deliberative Process / Ex. 5

I know everybody has a lot on their plate, but if I could ask OW/ORD to take a look

and put together some recommendations that we can share with the group prior to us responding back officially, I would appreciate it.

N

Nitin Natarajan
Deputy Assistant Administrator
Office of Land and Emergency Management
Environmental Protection Agency
202-566-0200 Office

From: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Sent: Monday, January 25, 2016 3:35 PM
To: Noronha, Neil J.
Cc: Cramer, Drew; Wood, John; Washington, Russell; Sherman, Will; Gautier, Peter; Pope, Amy; Valocsik-Jackson, Erin; Woods, Olivia
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Please see the attached document for today's meeting.

From: Noronha, Neil J.
Sent: Sunday, January 24, 2016 9:01 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>; Pope, Amy <Amy_E_Pope@nsc.eop.gov>; Valocsik-Jackson, Erin <Erin_L_Valocsik@nsc.eop.gov>; Woods, Olivia <Olivia_M_Woods@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Given tomorrow's closure of the federal government, the Restricted DRG

on Flint, Michigan will take place via teleconference. Below is the information for the teleconference.

Phone: 202-395-6392

Nonresponsive Conference Code

Please confirm your attendance to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by tomorrow, Monday January 25, 2016 at 12:00 P.M.

Thank you for your flexibility and cooperation with this matter!

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 4:14 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Apologies for the lack of clarification. This Restricted DRG is about the Flint, Michigan water situation.

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 2:52 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members,

The restricted DRG meeting scheduled for Monday, January 25, 2016 has been scheduled from **4:00 to 5:00 in EEOB 428.**

The meeting will be held at the **UNCLAS** level. Please send WAVES information via <https://events.whitehouse.gov/form?rid=M9W24RG9C8>, **NLT 5:00 P.M., Sunday, January 24.**

Attendance should be confirmed to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by **5:00 P.M., Sunday, January 24.** Space is limited, please **limit attendance to one primary, and one backbench.**

****ATTENTION HUD AND DOI** PLEASE IDENTIFY A REPRESENTATIVE FROM FHA AND USGS, RESPECTIVELY, TO ATTEND THIS RESTRICTED DRG.**

**RESTRICTED DOMESTIC RESILIENCE GROUP INTERAGENCY POLICY
COMMITTEE MEETING**

DATE: January 25, 2016

LOCATION: EEOB 428

TIME: 4:00 p.m. – 5:00 p.m.

AGENDA

- I. Situational UpdateHHS
- II. Status of Unified Coordination Group.....FEMA
- III. Update on Agency Roles and Capabilities.....All
- IV. Planning of Way Forward.....HHS
- V. Closing Remarks.....NSC

Agency representatives should be prepared to discuss their capabilities and

capacities regarding this event and recommended requests that could be proposed by the city, county, or State.

Thank you for your understanding and cooperation given this quick turnaround!

Sincerely,

Peter Gautier

Senior Director for Response Policy

National Security Council Staff

<DRG MASTER DRAFT DOCUMENT v2- USG FLINT Senior Leadership Brief
25JAN20....docx>

To: Wadlington, Christina[Wadlington.Christina@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
From: Burneson, Eric
Sent: Thur 1/28/2016 6:25:36 PM
Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Question2. This process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

Deliberative Process / Ex. 5

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 12:55 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Sorry Jeff,

I should have included you.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 12:54 PM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>

Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Lisa,

Do you have a status on this? It's #1 on the list for OPA to get out asap.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina

Sent: Wednesday, January 27, 2016 2:31 PM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>

Subject: FW: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Importance: High

Can we provide any details regarding Q2?

Question1: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Deliberative Process / Ex. 5

Question2. This process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Schollhamer, Mary

Sent: Wednesday, January 27, 2016 12:24 PM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Below. Thanks!

Mary G Schollhamer

Acting Deputy Director of Communications

Office of Water

U.S. Environmental Protection Agency

Office: 202-564-5759

Mobile: 202-853-5317

schollhamer.mary@epa.gov

From: Lee, Monica

Sent: Wednesday, January 27, 2016 12:22 PM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: FW: Checking in LCR

Mary – this inquiry came in from CQ Roll call last night – his deadline is tomorrow afternoon. I'm going to send a list of inquiries we still need to try to address, but this one should be a top priority.

Feel free to call to discuss.

Here's the original inquiry:

I'm writing on the Flint story in more detail for a CQ Weekly story to run Friday online and in the magazine on Monday.

Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Looking here: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions>

I see that the working group appears to have completed its meetings and was to make recommendations to the National Drinking Water Advisory Council, which was then to make its own report to EPA.

I have a few questions, but one of them is whether this process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

As you may know, complaints have been aired by a resident of Flint and others that the current rule allows loopholes that let Flint or other places to effectively comply without protecting public health.

thanks

Ed Felker
Reporter

CQ Roll Call

O: 202-650-6426

Personal Phone / Ex. 6

Twitter: [@energyreporter](https://twitter.com/energyreporter)

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

Personal Phone / Ex. 6

lee.monica@epa.gov

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CONCERNED PASTORS FOR
SOCIAL ACTION; MELISSA MAYES;
AMERICAN CIVIL LIBERTIES
UNION OF MICHIGAN; and
NATURAL RESOURCES DEFENSE
COUNCIL, INC.,

Plaintiffs,

v.

Case No. 16-10277

NICK A. KHOURI, in his official
capacity as Secretary of Treasury of
the State of Michigan; FREDERICK
HEADEN, in his official capacity as
Chairperson of the Flint Receivership
Transition Advisory Board;
MICHAEL A. TOWNSEND, in his
official capacity as Member of the
Flint Receivership Transition
Advisory Board; DAVID MCGHEE,
in his official capacity as Member of
the Flint Receivership Transition
Advisory Board; MICHAEL A.
FINNEY, in his official capacity as
Member of the Flint Receivership
Transition Advisory Board; BEVERLY
WALKER-GRIFFEA, in her official
capacity as Member of the Flint
Receivership Transition Advisory
Board; NATASHA HENDERSON, in
her official capacity as City
Administrator; and CITY OF FLINT,
Defendants. _____/

Hon.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. The water in Flint, Michigan is not safe to drink. It has not been safe to drink since April 2014, when city and state officials began using the Flint River as a source of drinking water and caused lead to leach into the city's water supply.

2. This case is about the government's failure to comply with the federal law that requires cities to deliver safe drinking water to the public. The Safe Drinking Water Act directs officials who operate water systems to test drinking water for harmful contaminants and to treat the water to control for those contaminants. City and state officials' complete disregard for those requirements is exposing the people of Flint to lead, a powerful toxin that is devastating to the human body.

3. Flint was once a prosperous city with a strong economy built around the automotive industry. But the closing and relocation of automotive plants over the past thirty years hurt the city's economy and tax base, contributing to a shrinking population and resulting in increased unemployment, poverty, and crime. Flint is now a struggling city. More than forty percent of Flint residents live below the poverty level, and more

than a quarter of its working-age residents are unemployed.

4. In November 2011, in response to Flint's budget deficit and mounting debt, Michigan Governor Rick Snyder declared a financial emergency in the city. He stripped local elected officials of all of their authority and installed a state-appointed Emergency Manager to take over and run the city's operations. The Emergency Manager was not removable by Flint voters or otherwise accountable to the Flint electorate.

5. To save the city money, the Emergency Manager and other state officials decided to switch the city's drinking water source from Lake Huron to the Flint River. The Flint River has long been known to residents as a contaminated dumping ground for nearby industries. In making this switch, city and state officials sent Flint River water flowing into the homes, schools, and churches in Flint without following federal requirements for treating and testing drinking water for lead.

6. These decisions have endangered the health of Flint's residents. When run through the city's aging metallic pipes, the corrosive Flint River water ate away at those pipes, causing lead to leach into drinking water. The people of Flint have been exposed and are still being exposed to high levels of lead in their water. In the past two years, the percentage of Flint

children with elevated levels of lead in their blood has doubled and in some areas has nearly tripled.

7. Flint residents began raising concerns about the safety of their drinking water nearly two years ago. Government officials dismissed their concerns and insisted that the water was safe to drink. State officials even disregarded researchers' findings that the water contained dangerously high levels of lead. Not until a national spotlight was focused on Flint did city and state officials belatedly acknowledge a problem.

8. Despite this far-too-late acknowledgement, the problems in Flint have not been fixed. Public trust has been eroded by government officials' efforts to evade responsibility in this crisis. The damage done to city pipes from the Flint River water means that lead will continue to contaminate Flint's drinking water. This contamination poses an ongoing health risk to the city's residents, especially young children, who are most vulnerable to the effects of lead.

9. The harms suffered by Flint residents will not be addressed until city and state officials properly treat Flint's water to control lead, properly test the water for lead contamination, promptly notify residents of testing results, and report their activities to state regulators, all as required

by the Safe Drinking Water Act.

10. Plaintiffs are individuals and citizens' groups whose members live in homes served by Flint's water system. They bring this suit as citizens to ensure that the water provided to their homes will no longer threaten their health, and to address the medical and health harms they have suffered.

JURISDICTION AND VENUE

11. This Court has subject matter jurisdiction over this action pursuant to the Safe Drinking Water Act, 42 U.S.C. § 300j-8(a), and the federal-question jurisdiction statute, 28 U.S.C. § 1331. The Court may award Plaintiffs all necessary injunctive relief pursuant to the Safe Drinking Water Act, 42 U.S.C. § 300j-8(a), (e), and declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.

12. Venue is proper in this district under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this judicial district, in Flint, Michigan.

13. Plaintiffs have provided Defendants, the Administrator of the U.S. Environmental Protection Agency (EPA), and the Michigan Attorney General with at least sixty days' written notice of the violations of law

alleged here in the form and manner required by the Safe Drinking Water Act. 42 U.S.C. § 300j-8(b); 40 C.F.R. §§ 135.11-.13. A copy of Plaintiffs' November 16, 2015 notice letter is attached as Exhibit A to this Complaint.

THE PARTIES

14. Plaintiffs consist of organizational plaintiffs Concerned Pastors for Social Action (Concerned Pastors), American Civil Liberties Union of Michigan (ACLU-MI), and Natural Resources Defense Council, Inc. (NRDC), and individual plaintiff Melissa Mays.

15. Concerned Pastors is a nonprofit association of religious leaders and congregations from more than thirty predominantly African American churches and ministries in the City of Flint (City) and its surrounding communities. The association was founded nearly fifty years ago to protect the rights of the underserved and improve the lives of the people of Flint. Concerned Pastors has been organizing and advocating for safe drinking water in Flint for nearly two years. Its efforts include holding public rallies and meetings, liaising with state and local elected officials, and distributing thousands of cases of bottled water and water filters to community members. Concerned Pastors is committed to protecting the health of Flint's children and families from the City's contaminated drinking water.

Concerned Pastors is organized under the laws of Michigan and has an office address of 2200 Forest Hill, Flint, Michigan 48504.

16. Plaintiff ACLU-MI is a nonprofit organization founded in 1959. ACLU-MI's mission is to protect the freedoms and rights of all Michigan citizens. Through public education, advocacy, organizing, and litigation, ACLU-MI works to guarantee the benefits of our nation's laws to everyone. ACLU-MI played a significant role in investigating the water problems in Flint while the City was under emergency management and exposing the lead contamination in its drinking water. ACLU-MI has approximately 9,000 members, more than ninety-five of whom live in Flint. ACLU-MI is incorporated under the laws of Michigan and has an office address of 2966 Woodward Avenue, Detroit, Michigan 48201.

17. Plaintiff NRDC is an international, nonprofit environmental organization. NRDC engages in research, advocacy, and litigation to protect public health and reduce the exposure of all communities to toxic substances. NRDC's work includes advocacy aimed at ensuring that all Americans have access to safe and affordable drinking water that is free from dangerous contaminants. Founded in 1970, NRDC has more than 294,000 members nationwide, including more than 8,600 members who

reside in Michigan, eighty of whom live in Flint. NRDC is incorporated under the laws of New York and is headquartered at 40 West 20th Street, New York, New York 10011.

18. Concerned Pastors, ACLU-MI, and NRDC bring this action on behalf of their members. Members of these organizations are residents of Flint whose homes are served by the City's water system (Water System). These members and their families live, work, recreate, attend church, and go to school in buildings that receive Flint's water.

19. Members of Concerned Pastors, ACLU-MI, and NRDC living in Flint are harmed, and will continue to be harmed, by Defendants' violations of the Safe Drinking Water Act unless this Court grants the requested relief. These members are harmed, and will continue to be harmed, because they have an increased risk of exposure to elevated levels of lead in their drinking water.

20. High levels of lead have been found in drinking water in homes and schools throughout Flint. Members of Concerned Pastors, ACLU-MI, and NRDC are reasonably fearful of exposure to lead from their drinking water. They are concerned about their health and the health of their children, including potential long-term developmental problems.

21. Because of these members' reasonable concerns about lead exposure, they use bottled water and/or install water filters in their homes to minimize their risk. Members of these organizations would prefer to use unfiltered tap water that they purchase from the Water System, rather than having to incur additional costs and inconvenience to use bottled water and/or install water filters. These filters, if not used, changed, and maintained regularly and properly, can stop working or even make lead problems worse. Members also have visited and will continue to visit doctors to have their blood tested for lead.

22. Members of Concerned Pastors, ACLU-MI, and NRDC are harmed by these and other actions they are taking to protect themselves and their families from Flint's water. Their injuries will be redressed by an order requiring Defendants to monitor and control for lead in Flint's drinking water in accordance with the Safe Drinking Water Act and to comply with the Act's reporting and notification requirements. Such an order will enable members to make informed decisions about whether their tap water is safe to drink and will remediate the dangerous conditions and health risks that the members continue to be exposed to as a result of Defendants' continued noncompliance.

23. Plaintiff Melissa Mays and her husband live in Flint with their three sons, ages eleven, twelve, and seventeen. From when she moved to Flint in 2002 until September 2014, Ms. Mays and her family used tap water supplied by the Water System for drinking and cooking. In September 2014, after the City issued a temporary advisory instructing all residents to boil their drinking water, Ms. Mays and her family stopped drinking Flint's water. In January 2015, Ms. Mays and her family stopped cooking with the City's water.

24. Ms. Mays is concerned about her health and the health of her family. She is harmed because she and her family have an increased risk of exposure to elevated levels of lead in their drinking water. She is reasonably fearful that she and her family have been exposed and will continue to be exposed to lead if they drink and cook with Flint's water. She is harmed, and will continue to be harmed, by Defendants' violations of the Safe Drinking Water Act, unless this Court grants the requested relief.

25. Ms. Mays' concerns have caused her to stop using Flint's water for drinking and cooking, to minimize her risk of exposure to lead. Although Ms. Mays would use her home's tap water if it were safe to

drink, Ms. Mays' reasonable fears about lead in her tap water have forced her to purchase water filters and bottled water for herself and her family and to visit doctors routinely to monitor her family's health. Ms. Mays has been forced to take these actions, including incurring considerable costs and inconvenience, to protect herself and her family from lead in Flint's drinking water.

26. Ms. Mays' injuries will be redressed by an order requiring Defendants to monitor and control for lead in Flint's drinking water and report information in accordance with the Safe Drinking Water Act.

27. Defendant Nick A. Khouri is sued in his official capacity as Secretary of Treasury of the State of Michigan. He oversees and manages the City's operations while the City remains under state control. Pursuant to his authority under the Michigan Local Financial Stability and Choice Act, *see* Mich. Comp. Laws § 141.1561(2), Defendant Khouri must approve amendments to the City budget, including amendments resulting from large contracts the City enters. He or his designee must also sit on the Flint Receivership Transition Advisory Board (Board), a group of state-appointed officials presently monitoring the City. *Id.* §§ 141.1552(3), .1563(2). Defendant Khouri is an operator of the Water System within the

meaning of the Safe Drinking Water Act.

28. Defendant Frederick Headen is sued in his official capacity as Chairperson of the Board, and Defendants Michael A. Townsend, David McGhee, Michael A. Finney, and Beverly Walker-Griffea are sued in their official capacities as Members of the Board. The Board directs the City's affairs alongside city officials. The Board must approve certain contracts and all resolutions, ordinances, and budget amendments adopted by the City Council before they can take effect, including those concerning the operations of the Water System. Defendants Headen, Townsend, McGhee, Finney, and Walker-Griffea are operators of the Water System within the meaning of the Safe Drinking Water Act.

29. Defendant Natasha Henderson is sued in her official capacity as the City Administrator of Flint. She directs and supervises the day-to-day operations of the City, including the operations of the Water System. Flint's Emergency Manager appointed Defendant Henderson to her position. Defendant Henderson is an operator of the Water System within the meaning of the Safe Drinking Water Act.

30. Defendant City of Flint is the owner and an operator of a "public water system" as defined by the Safe Drinking Water Act. 42 U.S.C.

§ 300f(4); 40 C.F.R. § 141.2. A public water system is a system that provides drinking water through pipes to at least twenty-five people, and includes water collection, treatment, storage, and distribution facilities. 42 U.S.C.

§ 300f(4); 40 C.F.R. § 141.2. As an owner and operator of a public water system, the City is also a “supplier of water.” 42 U.S.C. § 300f(5); 40 C.F.R. § 141.2. The Water System is a large public water system for purposes of the Act. 40 C.F.R. § 141.2.

FACTS

Harmful effects of lead

31. Lead can harm nearly all of the body’s functions and organs, and is particularly damaging to the nervous system.

32. Young children are especially vulnerable to lead. Lead exposure in children can cause a wide array of problems, but is most harmful to a child’s developing brain. Even low levels of lead exposure during childhood can result in lower intelligence, poorer academic performance, developmental delays, attention deficits, impulsivity, and other behavioral problems. Some of these effects appear to be irreversible.

33. Lead can pass from a pregnant woman to her developing baby, which can cause the baby to be born premature or underweight, and can

harm the baby's brain. Lead can also pass from nursing mothers to their babies through breastmilk.

34. Exposure to lead also harms adults, including by causing nerve disorders, decreased kidney function, reproductive problems, and gastrointestinal damage. Adults exposed to lead may also suffer from muscle and joint pain, memory and concentration problems, and high blood pressure.

35. Lead is uniquely harmful because, after it enters the bloodstream, it is distributed throughout the body just like iron and calcium. It settles in bones, where it interferes with the production of blood cells and the absorption of calcium. Calcium is necessary for muscle and nerve function, and for bone growth in children. Lead may remain stored in bones for years, from where it can be reabsorbed into blood during times of physiological change, including stress, pregnancy, lactation, broken bones, and advanced age.

36. People can be exposed to lead by breathing air containing lead particles or by ingesting water, food, or dust contaminated with lead.

37. Children and adults who have been exposed to lead may not immediately show symptoms. The effects of exposure often do not appear

for years, even long after measures of lead levels in blood have returned to normal.

38. There is no safe level of lead in blood.

Lead in drinking water

39. Water sources vary in terms of their chemical properties. When water displays certain characteristics including an acidic pH, it is considered corrosive.

40. Corrosive water dissolves metals from metallic pipes at a high rate. This can cause lead contained in pipes and the solder joining pipes to leach into drinking water in significant amounts. *See* 56 Fed. Reg. 26,460, 26,463, 26,466 (June 7, 1991). This leaching can continue indefinitely. *Id.* at 26,466.

41. The amount of lead that leaches into drinking water depends heavily on the corrosivity of the source water. *Id.*

42. Over the past several decades, drinking water has become a more significant source of lead exposure, as regulation has reduced the risk of lead exposure from other sources such as lead paint and leaded gasoline. Infants who rely on formula may receive more than eighty-five percent of their exposure to lead from drinking water. *Id.* at 26,470.

43. There is no safe level of lead in drinking water.

The Safe Drinking Water Act's approach to controlling lead in drinking water

44. The Safe Drinking Water Act (the Act), 42 U.S.C. § 300 *et seq.*, is the federal law that protects Americans from harmful contaminants in their drinking water.

45. To achieve this goal, the Act requires owners and operators of public water systems to test their water for specified contaminants, treat the water to control for those contaminants, and provide certain reports and notices to customers and regulators. *See, e.g.*, 42 U.S.C. § 300g-1; 40 C.F.R. §§ 141.22-.26, .31, .61-.66, .151, .201. Each of these steps is essential to reducing lead levels in tap water and informing the public about the health risks posed by their drinking water. *See* 42 U.S.C. § 300g-1(b)(1)(A).

46. The Act also requires public water systems to control for lead. The requirements for controlling lead in drinking water are set forth in regulations issued under the Act known as the Lead and Copper Rule (the Rule). 40 C.F.R. §§ 141.80-.91.

47. EPA is charged with issuing regulations to implement the Safe Drinking Water Act and enforcing the Act's requirements if states fail to do

so. 42 U.S.C. § 300g-2. Almost every state, including Michigan, has been delegated primary responsibility for ensuring that public water systems comply with the Act's requirements. The Michigan Department of Environmental Quality (MDEQ) is responsible for enforcing the Safe Drinking Water Act in Michigan. *See* Mich. Comp. Laws § 325.1003.

Corrosion control

48. EPA promulgated the Lead and Copper Rule in 1991. *See* 56 Fed. Reg. at 26,460. The Rule requires public water systems to treat drinking water to control the leaching of lead from pipes and solder. *See* 40 C.F.R. § 141.80(b), (d).

49. The Rule directed all large public water systems to identify and implement an "optimal" treatment program to reduce corrosion of lead pipes and solder by January 1, 1997. *Id.* § 141.81(d)(4). "[O]ptimal corrosion control treatment" is defined as the treatment that minimizes lead concentrations in consumers' tap water. *Id.* § 141.2. It often involves adding chemicals to the water to reduce its corrosivity and control its effect on leaded pipes and solder.

50. Certain treatment chemicals, such as phosphates, inhibit corrosion. They work by forming a protective coating inside of water pipes.

This protective coating develops over many years. The coating helps slow the corrosion of leaded pipes and solder, reducing the amount of lead that leaches into drinking water. When highly corrosive water that is not treated with an inhibitor flows through leaded water pipes, this protective coating is destroyed, increasing the amount of lead that enters into drinking water. Corrosive water can irreversibly damage water pipes.

51. Once a water system has optimized its corrosion control treatment program, it is required by the Rule to “continue to operate and maintain optimal corrosion control treatment.” 40 C.F.R. § 141.82(g).

Tap water monitoring

52. The Rule also requires water systems to conduct periodic monitoring for lead in household tap water. *Id.* § 141.86. Monitoring for lead at consumers’ taps is necessary to measure lead levels in drinking water. This is because lead can enter the water after it leaves the water system’s treatment plant, as it travels through pipes towards consumers’ homes.

53. The Rule’s tap water monitoring requirements are designed to test for lead under worst-case conditions, including by testing at homes that are most at risk for elevated lead levels. Homes are at high risk if they

contain lead plumbing or if they are served by lead service lines. 56

Fed. Reg. at 26,514; *see* 40 C.F.R. § 141.86(a). Service lines are pipes that connect household plumbing to the main water distribution pipe in the street. In older water distribution systems, such as the system in Flint, these service lines often are made of lead.

54. Monitoring at high-risk homes is critical to ensuring that elevated lead levels in drinking water are detected, because lead is not distributed uniformly throughout a water system. 56 Fed. Reg. at 26,514. Instead, lead pieces may break away from a lead service line and travel into a customer's home without dissolving and spreading evenly throughout the water in the distribution system. These lead pieces result in intermittent but large spikes in the water's lead levels. Even a single sample showing elevated levels of lead indicates that these dangerous lead pieces may be present more widely in the system.

55. Targeting high-risk homes thus makes it more likely that a water system will detect whether lead is breaking off or leaching from the Water System's pipes or solder. Such targeting also helps water systems and regulators determine whether a system has minimized lead levels in drinking water by operating an optimized corrosion control treatment

program. *Id.*

56. The Rule requires public water systems serving more than 100,000 people to collect a set of at least 100 tap water samples twice each year. 40 C.F.R. § 141.86(c), (d)(1). Water systems serving between 10,001 and 100,000 people must collect at least sixty tap water samples twice each year. *Id.* A water system has six months to collect each set of tap water samples. *Id.*

57. Each time a water system completes a six-month monitoring period, it must calculate whether more than ten percent of the samples collected have a lead concentration greater than 15 parts per billion (ppb). *See id.* §§ 141.80(c), .90(a)(1)(iv). EPA found that lead levels of 15 ppb or less were representative of effective corrosion control treatment. 56 Fed. Reg. at 26,490. EPA concluded that when more than ten percent of tap water samples collected by a water system exceed this 15 ppb threshold, known as the “lead action level,” additional treatment of drinking water would be “appropriate to protect public health.” *Id.* at 26,491.

58. If more than ten percent of samples collected during a monitoring period have a lead concentration in excess of the lead action level (15 ppb), the water system must take additional steps to protect its

customers from lead exposure. 40 C.F.R. §§ 141.84(a), .85-.86; 56 Fed. Reg. at 26,478. These steps include identifying and reporting to the state the number of lead service lines in the water system, 40 C.F.R. § 141.90(e); replacing a portion of the system's infrastructure with pipes and solder that are "lead free" as defined by the Safe Drinking Water Act, *id.* § 141.84; conducting additional monitoring of the system's source water to determine whether additional treatment is needed, *id.* §§ 141.83, .88(b); and conducting additional tap water monitoring, *id.* § 141.86(d)(4)(vi)(B).

59. As part of these additional steps, water systems must also offer to sample the tap water of any customer who requests it, *id.* § 141.85(c), and educate the public about the risks of lead and ways consumers can reduce their exposure to lead in drinking water, *id.* § 141.85(b).

60. A water system may reduce the number of tap water samples it collects and the frequency of its monitoring if it meets certain criteria for two consecutive monitoring periods. First, less than ten percent of tap water samples collected during each monitoring period may exceed the lead action level. *Id.* § 141.86(d)(4)(ii). Second, the water system must show that it is maintaining optimal corrosion control treatment. It can show this by maintaining prescribed values for certain water-quality indicators,

including pH and other measures of the water's corrosivity. *Id.*; *see id.*

§ 141.82(f).

61. If each of these conditions is met for two consecutive monitoring periods, a state may allow the water system to reduce its monitoring frequency to once per year, and may reduce the required number of samples. *Id.* § 141.86(d)(4)(ii). If the water system continues to meet these conditions for additional monitoring periods, the water system may become eligible to reduce its monitoring frequency further, to once every three years. *Id.* § 141.86(d)(4)(iii).

62. If, for any monitoring period, the water system exceeds the lead action level, or if water-quality monitoring shows problems with the system's corrosion control treatment, the water system must resume collecting a set of tap water samples every six months. *Id.* § 141.86(d)(4)(vi)(B).

63. The Lead and Copper Rule requires water systems to report detailed information about their tap water monitoring to the state enforcement agency. *Id.* § 141.90. Water systems must also notify customers of the individual results of tap water samples collected from their homes. *Id.* § 141.85(d)(1)-(2).

64. EPA promulgated the Lead and Copper Rule because it understood the harmful effects that lead-contaminated drinking water can have on citizens. *See* 56 Fed. Reg. at 26,463-66, 26,467-71. The Rule's requirements are intended to force public water systems to remain vigilant about the possible infiltration of lead into drinking water, and to take critical steps in the event of contamination. *See id.* at 26,481-82.

State control over Flint

65. In November 2011, pursuant to Michigan's Local Financial Stability and Choice Act, Governor Snyder declared a financial emergency in Flint and placed the City in a state-controlled receivership.

66. A receivership is a process whereby local government officials are stripped of authority in favor of state-appointed personnel. Those state appointees control the local government's finances and operations. *See* Mich. Comp. Laws §§ 141.1549(1)-(2), .1551(1), .1552. Among the purposes of the receivership is to "assure the provision of necessary government services essential to public health, safety, and welfare." *Id.* § 141.1543(a).

67. After placing the City into receivership, Governor Snyder appointed an Emergency Manager to govern all of the City's operations. *See id.* §§ 141.1542(q), .1549(2). Through this appointment, Governor Snyder

removed authority from Flint's elected Mayor and City Council. The Emergency Manager served at the pleasure of the Governor and could not be removed by Flint voters. *Id.* § 141.1549(3)(d).

68. From November 2011 to April 2015, Flint had four successive emergency managers. The emergency managers were vested with "broad powers" to address the City's financial emergency. These powers included the authority to revise the City's budget; make, approve, or disapprove any contract; supervise heads of city departments; and exercise the powers of "any officer, employee, [or] department . . . of the local government, whether elected or appointed." *Id.* §§ 141.1552(1)(b), (g), (n), (ee), .1549(2). The power of the emergency managers was "superior to and supersede[d]" that of the City's employees, departments, and elected officials. *Id.* § 141.1552(1)(ee).

69. In early 2015, the Emergency Manager hired Defendant Natasha Henderson as City Administrator. The Emergency Manager gave Defendant Henderson full authority to direct and supervise the day-to-day operations of the City, including directing the head of the Department of Public Works and managing the operations of the Water System. The Utilities Department is located within the Department of Public Works and

is responsible for the supply and maintenance of water services.

Defendant Henderson also must approve and cosign with the Mayor all contracts entered into, modified, or terminated by the City.

70. Since her appointment, Defendant Henderson has directed the operation of the Water System. For instance, she has managed the City's purchases of water meters, plumbing supplies, and chemicals to treat Flint River water at Flint's Water Treatment Plant. In March 2015, she decided that the City could hire a contractor to provide emergency leak detection services for the Water System, and allowed the City to accept a \$900,000 state grant to pay for water-leak surveys. In April 2015, Defendant Henderson decided that the City could enter into a contract with consultants to provide design, procurement, and construction services to the Water Treatment Plant to install a new filter system.

71. On April 28, 2015, the Emergency Manager informed Governor Snyder that Flint's financial emergency had been rectified. *See Mich. Comp. Laws* § 141.1562(1). Governor Snyder then removed the Emergency Manager and, in his place, appointed the Receivership Transition Advisory Board to manage the City's affairs alongside city officials for the duration of Flint's receivership. *See id.* § 141.1563(1). The Board's members now

include Defendants Frederick Headen, Michael A. Townsend, David McGhee, Michael A. Finney, and Beverly Walker-Griffiea.

72. The Board has had authority over the operations of the City since its creation last spring. It must approve all ordinances and resolutions adopted by the City Council before they take effect, and must approve purchases and contracts over \$75,000. The City Administrator advises and reports to the Board. She is required to submit regular reports to the Board regarding her activities and the overall operation of the City. Approval of the Board is also required before the Mayor or City Council can change the responsibilities of the City Administrator.

73. Since its formation, the Board has made a number of decisions directing the operation of the Water System. For example, in August 2015, the Board decided that the City could enter into a multi-year environmental monitoring services contract with a testing laboratory and decided to allow the City to purchase chemicals to be used to treat water at Flint's Water Treatment Plant. In October 2015, the Board decided whether the City could purchase water distribution pipe repair parts for use in maintaining the Water System.

74. The Board is the primary but not exclusive state entity that

manages the City's operations during the City's receivership. The State Treasurer, Defendant Nick A. Khouri, also manages aspects of the City's operations. For example, during the pendency of the City's receivership, orders by the Emergency Manager may be amended only by the Board, but the State Treasurer's approval is also required. Similarly, the Mayor and City Council cannot amend the budget that was adopted by the Emergency Manager without approval of both the Board and the State Treasurer.

75. The State Treasurer also exerts control over the Water System, including by having the final authority to decide whether the Water System can make large operational changes that involve budget amendments. For instance, on information and belief, in early 2014, the State Treasurer decided whether the City could expend more than \$3 million to upgrade its Water Treatment Plant to allow the City to use the Flint River as its primary drinking water source. The State Treasurer also exercised final decision-making power over the Water System's choices about where to get its drinking water.

76. Flint remains under the management of the Board and State Treasurer. The Mayor and City Council are stripped of all authority except as "specifically authorized in writing by the emergency manager" prior to

the elimination of his position last spring. Mich. Comp. Laws § 141.1549(2). The Mayor and City Council are powerless to change any decisions made by the Emergency Manager until one year after Governor Snyder terminates the City's receivership.

Changes in Flint's drinking water supply

77. Flint's Water System provides drinking water to nearly 100,000 people. The Water System includes the Flint Water Treatment Plant and more than 600 miles of water distribution pipes.

78. The Water System also has approximately 32,900 service line connections, points where household and building plumbing connect to main water distribution pipes. At least 15,000 of these connections are through lead service lines.

79. For decades prior to 2014, the Water System purchased pretreated or "finished" drinking water from the Detroit Water and Sewerage Department (Detroit), which draws water from Lake Huron.

80. "Finished" water is water that is ready to be delivered to customers for consumption without further treatment. *See* 40 C.F.R. § 141.2. The Water System received finished water from Detroit and distributed it through its pipes and service lines to customers. Detroit treated the water

with orthophosphate to reduce the amount of lead leaching from pipes and solder.

81. In March 2013, partially in response to rising water rates charged by Detroit, the City Council voted to join the Karegnondi Water Authority (KWA), a newly formed water supply system. The KWA plans to build a new pipeline to distribute Lake Huron water directly to mid-Michigan communities, including Flint. The KWA pipeline is scheduled for completion in June 2016.

82. The City Council's vote to join the KWA was not immediately effective because the City was in state receivership. Only the Emergency Manager and the State Treasurer had the power to authorize the City to enter into a contract to join the KWA. *See Mich. Comp. Laws* § 141.1552(1)(g), (3). The Emergency Manager authorized the KWA contract on March 29, 2013.

83. On April 16, 2013, after evaluating various options for the City's drinking water supply, the State Treasurer also authorized the KWA contract.

84. Although Detroit sought to avoid losing Flint as a customer, the Emergency Manager rejected Detroit's final offer to renegotiate rates.

Detroit then terminated its existing contract with Flint. Pursuant to the contract, the termination was scheduled to take effect a year later, in April 2014. This was at least eighteen months before the new KWA pipeline was expected to be ready.

85. Although Detroit offered to negotiate a short-term contract to supply drinking water to Flint during the interim period, the Emergency Manager declined Detroit's proposals.

86. In early 2014, the Emergency Manager and state officials decided that the Water System would use the Flint River as a primary drinking water source until the KWA pipeline was completed.

87. The Flint River suffers from significant water-quality problems. Industrial waste and agricultural runoff have contributed to excessive contamination. Fish in the River contain mercury, a potent neurotoxin, and polychlorinated biphenyls (PCBs), which are carcinogens. Swimming is not recommended in the River after rain due to elevated levels of bacteria.

88. Before switching to the Flint River as a water source, the Water System had not treated its own water on a regular basis for nearly fifty years. It had never undertaken the analysis required by the Safe Drinking Water Act to identify and understand how a water system optimizes

corrosion control treatment for drinking water. The Water Treatment Plant's staff had not previously been responsible for managing the treatment of water to control corrosion of lead pipes and solder.

89. In 2011, outside consultants for the City analyzed whether the Flint River could be used as the City's permanent primary source of drinking water. The consultants concluded that the Flint Water Treatment Plant would need about \$50 million in upgrades to equipment and systems to assure reliable delivery of safe drinking water to customers. Nonetheless, the Water System did not perform all of the recommended upgrades in advance of distributing Flint River water to customers' homes in 2014.

90. On April 29, 2014, the Water System began pumping Flint River water through the System's distribution pipes and into customers' taps.

91. The Water System did not treat the river water at all to reduce its corrosivity and minimize the leaching of lead from pipes and solder into customers' drinking water.

The effects on customers' drinking water

92. In the months following the Water System's switch to the Flint River, customers reported that their tap water was discolored, laden with

sediment, and foul-smelling. Customers also reported skin rashes, hair loss, and vomiting after drinking and/or bathing in the water.

93. In the summer of 2014, testing conducted by the Water System showed elevated levels of total coliform bacteria, bacteria found in soil and in human and animal waste, in Flint's drinking water. The City was forced to issue boil-water notices to some of its customers.

94. To control the high levels of total coliform bacteria, the Water System increased its use of disinfectants.

95. In December 2014, MDEQ notified the Water System that it was in violation of the Safe Drinking Water Act after high levels of total trihalomethanes — byproducts of disinfection — were detected in the water. Trihalomethanes can cause serious health problems, including an increased risk of cancer.

96. Despite these Safe Drinking Water Act violations, city and state officials continued to tell Flint residents that their water was safe to drink.

97. Because the Water System had begun using a new water source, MDEQ instructed the System to conduct lead tap water monitoring for two six-month periods, gathering one hundred samples per period. MDEQ had the authority to require one hundred samples, even though in

2014 Flint's population had fallen below 100,000 for the first time since the 1920s. *See* 40 C.F.R. §§ 141.81(b)(iii), .86(d)(vii). The Water System initiated the first six-month monitoring period in July 2014, and the second in January 2015.

98. To collect these samples, the Water System instructed customers to flush their taps for at least five minutes and then allow the water to sit for at least six hours before drawing the sample. This practice, known as "pre-flushing," is intended to minimize the amount of lead captured in the sample and results in an under-reporting of the concentration of lead in drinking water.

99. Even though the Water System engaged in practices that underestimate lead concentrations in drinking water, certain tap water samples still returned high levels of lead. In February 2015, at least one customer's water contained lead concentrations of more than 100 ppb, more than six times the lead action level of 15 ppb. Subsequent testing at the same home revealed lead levels of nearly 400 ppb. Medical records showed that the blood lead level of the customer's child had more than tripled since the Water System began using Flint River water.

100. That customer, concerned about the high levels of lead in her

water, contacted EPA. After learning of her test results, staff in EPA's regional office told MDEQ that the results raised significant concerns about the corrosion of lead pipes within the Water System. An EPA Regulations Manager later wrote a memo raising a "serious concern" about the high lead levels detected in the Water System's drinking water and the System's failure to use any treatment to mitigate lead leaching from pipes and solder. EPA shared the memo with MDEQ.

101. By February 26, 2015, the Water System, state officials, and EPA staff were all aware of sampling results showing high levels of lead in Flint's drinking water. No one notified Flint residents.

102. In March 2015, in response to growing complaints from the community, the City Council voted to do "all things necessary" to end the use of the Flint River as a water source. This vote had no effect, because the City remained under the control of state-appointed officials. The Emergency Manager refused to approve the City Council's vote, asserting that Flint's tap water was safe to drink and calling the elected officials' effort to return to Detroit water "incomprehensible."

103. In July 2015, the Water System sent a letter to its customers stating that their tap water was safe to drink and in compliance with all

Safe Drinking Water Act requirements. The Water System nonetheless advised elderly residents, infants, and those with a severely compromised immune system to consult their doctors before drinking the water.

104. During the next two months, in response to intensifying citizen concerns about lead in the City's drinking water, researchers from Virginia Polytechnic Institute and State University (Virginia Tech) collected more than 250 tap water samples from homes in Flint. More than ten percent of the samples collected contained lead at levels over 25 ppb, well above the Lead and Copper Rule's action level for lead of 15 ppb. *See* 40 C.F.R. § 141.80(c)(1). Some samples collected by the Virginia Tech researchers contained lead levels more than ten times greater than the lead action level.

105. In response to these findings, state officials asserted that Virginia Tech's sampling showed far higher lead levels than sampling conducted by the Water System. Those officials questioned the reliability of Virginia Tech's results, and insisted that the City's water contained lead levels within allowable limits.

106. On September 24, 2015, a Flint pediatrician released the findings of a study showing that the proportion of Flint children with elevated blood lead levels had doubled since the Water System began

using the Flint River as a drinking water source. State officials and Governor Snyder's office attempted to discredit the pediatrician's data, calling her work "unfortunate" in a time of "near-hysteria." MDEQ continued to insist that Flint's water was safe to drink.

107. The following day, the City of Flint issued a Lead Advisory suggesting that residents flush their taps for at least five minutes prior to drinking the water; use only cold water for drinking, cooking, and making baby formula; and install water filters certified for lead removal. The Lead Advisory did not tell residents that Flint's water was unsafe to drink.

108. The Board of Commissioners in Genesee County, where Flint is located, issued a Public Health Advisory a few days later, also urging Flint residents to use filters certified to remove lead before drinking tap water, or to drink bottled water.

109. On September 30, 2015, Governor Snyder for the first time acknowledged that the City's water supply "appears" to have increased lead levels.

110. The Genesee County Board of Commissioners declared a Public Health Emergency in Flint on October 1, 2015. It advised Flint residents not to drink water from the Water System unless it had been run through a

filter certified to remove lead or tested to confirm the water does not contain elevated lead levels.

111. That same day, Plaintiffs submitted a petition to EPA asking it to issue an emergency order pursuant to its authority under the Safe Drinking Water Act. *See* 42 U.S.C. § 300i(a). Plaintiffs asked EPA to take immediate action to address the danger to Flint residents from lead in their water. EPA did not act.

112. In early October, tap water sampling conducted by MDEQ showed that three Flint schools had tap water with lead levels that exceeded the action level. Subsequent testing confirmed elevated lead levels in drinking water at seven of Flint's schools.

113. In mid-October, following a request from the City Administrator, the Board decided that the City could amend its budget to allow the Water System to return to Detroit's water supply. The same day, the Board also decided that the City Administrator could enter into agreements with Detroit and other local entities to execute the switch back to Detroit's water.

114. On information and belief, the State Treasurer then approved the budget appropriation for Flint to return to Detroit's water supply.

115. On October 16, 2015, the Water System resumed using Detroit's pretreated Lake Huron water as its drinking water.

116. After Flint's return to Detroit water, the water in Flint did not become safe to drink. The Water System's extended failure to treat the Flint River water with phosphates — combined with the highly corrosive nature of the water — had stripped the protective coating from the inside of the Water System's pipes and service lines. As this coating had taken years to build up, the damage to the Water System's infrastructure cannot be reversed right away, if ever, even though the System is again receiving water from Detroit pretreated with corrosion-inhibiting chemicals. This damage is allowing lead to continue to leach into Flint's drinking water.

117. In early December 2015, the Water System began supplementing Detroit's water treatment by adding more phosphates to further reduce the corrosivity of the water and control for the corrosion of lead pipes and solder.

118. Two weeks later, on December 14, 2015, Flint Mayor Karen Weaver declared a State of Emergency in Flint.

119. On January 5, 2016, Governor Snyder declared a State of Emergency in Genesee County. The next week, Governor Snyder activated

the National Guard and requested help from the federal government to address the lead-contamination crisis.

120. Days later, President Obama declared a federal emergency in Flint, authorizing the Federal Emergency Management Agency to provide disaster relief.

121. On January 21, 2016, EPA issued an Emergency Administrative Order declaring that the lead contamination in Flint posed an imminent and substantial endangerment to human health, and directing the City, the State of Michigan, and MDEQ to take certain remedial measures. EPA's action came nearly a year after it was first made aware of sampling results showing high levels of lead in Flint's drinking water, and nearly four months after Plaintiffs submitted a petition to the agency asking it to act under its emergency authority. While the City has stated it will comply with EPA's order, Michigan and MDEQ have challenged EPA's legal authority to require some of the actions that EPA demands.

122. Despite awareness at the local, state, and federal levels of the lead-contamination crisis in Flint, tap water distributed from the Water System remains unsafe to drink.

The Water System is failing to maintain optimal corrosion control treatment

123. The Water System is no longer “operat[ing] and maintain[ing] optimal corrosion control treatment” as required by the Lead and Copper Rule. 40 C.F.R. § 141.82(g).

124. Prior to the Water System’s switch to the Flint River as a drinking water source, Detroit treated water delivered to Flint’s customers to control the leaching of lead from pipes and solder.

125. In the early 1990s, Detroit conducted a multi-year study to determine the optimal approach to controlling lead in its system’s drinking water. The study evaluated water-quality data and information about the system’s pipe materials; identified and analyzed feasible treatment methods to control corrosion; and designed and pilot-tested the treatment alternatives. Detroit determined that its water should be treated with orthophosphate to optimize corrosion control, and, with MDEQ’s approval, began implementing that treatment. The Water System coordinated with Detroit to ensure the System’s compliance with the Lead and Copper Rule’s requirement to implement an optimal corrosion control treatment program. The Water System relied on Detroit to treat the water with

orthophosphate before delivering the finished water to Flint. On information and belief, through Detroit's orthophosphate treatment, the Water System was able to minimize the amount of lead leaching from pipes and solder.

126. By coordinating with Detroit, the Water System optimized its corrosion control treatment program as of January 1999. The Water System's cooperation with Detroit did not exempt it from the Lead and Copper Rule's requirements, including the requirement to maintain optimal corrosion control treatment. *See* 56 Fed. Reg. at 26,497-98.

127. From April 29, 2014, when the Water System began distributing Flint River water, through at least October 16, 2015, the Water System failed to maintain optimal corrosion control treatment because it did not treat the river water with corrosion-inhibiting chemicals or any other form of treatment to minimize the amount of lead leaching from the System's pipes and solder.

128. Flint River water is highly corrosive. It is significantly more corrosive than water from Lake Huron. Because Flint River water is highly corrosive, the Water System's use of the river water without treatment to control corrosion destroyed the protective coating that had built up inside

the System's pipes and solder. The absence of this protective coating caused dangerous amounts of lead to enter Flint's drinking water.

129. Since October 16, 2015, when the Water System resumed distributing water from Detroit, the Water System has failed to maintain optimal corrosion control treatment because it has not minimized the concentration of lead at customers' taps. 40 C.F.R. § 141.2.

130. The corrosivity of the river water damaged the Water System's infrastructure, including by destroying the protective coating that had formed inside the System's water pipes over many years. As a result of this damage, the Water System is not currently maintaining optimal corrosion control treatment. On information and belief, because of this damage to the Water System's infrastructure, additional chemical treatment of Detroit's pretreated water is necessary to implement an optimal corrosion control treatment program.

131. On information and belief, the Water System's failure to treat the river water to control corrosion has caused and continues to cause dangerous levels of lead to enter customers' tap water.

132. The Water System plans to switch water sources again in summer of 2016. The Water System will use Lake Huron water distributed

through the KWA pipeline as its new water source.

133. After this switch, the Water System will be required to treat the Lake Huron water to control for the corrosion of lead pipes and solder.

134. On information and belief, the Water System has not gathered or analyzed background water chemistry information about the new KWA water source; has not evaluated corrosion control treatment options for the new KWA water source; has not conducted pilot-scale tests using lead pipes extracted from the System to determine the effectiveness of different corrosion control treatment alternatives; and has not procured the specialized equipment or developed the equipment operating skills necessary to maintain an optimal corrosion control treatment program.

135. On information and belief, the Water System's failure to maintain optimal corrosion control treatment is likely to continue until the System switches to the new KWA water source, and is likely to continue or recur when the System switches to the new KWA water source.

The Water System is failing to comply with the Lead and Copper Rule's monitoring requirements

136. The Water System is not monitoring for lead contamination in accordance with the Lead and Copper Rule. As a result, the Water System

cannot promptly or reliably detect elevated lead levels in its drinking water.

Sampling site selection

137. Before a water system begins monitoring for lead at household taps, it must identify a pool of targeted sampling sites. 40 C.F.R.

§ 141.86(a)(1). The sampling pool must target homes that have a high risk of lead contamination. *See id.* § 141.86(a)(3)-(8). For water systems like Flint's that regularly serve more than twenty-five people, this means that the sampling pool must, if possible, consist of single-family homes that are served by a lead service line and/or contain lead pipes or copper pipes with lead solder installed after 1982. *Id.* § 141.86(a)(3).

138. The pool must also be large enough to ensure that the water system can collect the required number of samples during each monitoring period. *Id.* § 141.86(a)(1).

139. During each monitoring period, a water system must collect the minimum required number of samples from homes that are part of the system's sampling pool. *Id.*

140. A water system that contains lead service lines must also collect half of its samples from homes served by a lead service line, and half from

homes that contain lead pipes or copper pipes with lead solder. *Id.*

§ 141.86(a)(8). If a water system cannot identify a sufficient number of homes served by lead service lines, then it must collect samples from all homes it has identified as being served by lead service lines. *Id.*

141. In addition to the tap water samples collected from the water system's targeted sampling pool, the system may collect more samples from homes not included in its pool at a customer's request. Those customer-requested samples do not count towards the system's minimum number of required samples under the Rule. *See id.* § 141.86(a)(1), (c). Customer-requested samples generally must, however, be included when the water system calculates whether more than ten percent of its total collected samples exceed the lead action level of 15 ppb.

142. After the Water System began using the Flint River as a water source, it collected household tap water samples during two six-month monitoring periods, between July and December 2014 and between January and June 2015. The Water System serves a sufficient number of single-family homes with a lead service line or lead pipes that its sampling pool must consist entirely of such homes.

143. During its July–December 2014 and January–June 2015

monitoring periods, the Water System requested that city employees volunteer to submit tap water samples, without regard to whether those employees lived in homes served by a lead service line or containing lead pipes.

144. At least six city employees submitted tap water samples during the City's January-June 2015 monitoring period. On information and belief, the Water System included these samples as part of its monitoring for lead without verifying or even inquiring whether these samples came from homes that are served by a lead service line or contain lead pipes.

145. The City's Utilities Administrator, Michael Glasgow, has stated that the Water System "throw[s] bottles out everywhere" to collect the required number of tap water samples, without regard to whether the homes from which samples are collected are served by a lead service line or contain lead pipes.

146. From July 2014 to the present, the Water System has not targeted and is not targeting homes at high risk of contamination when monitoring for lead.

147. Prior to the July-December 2014 monitoring period, the Water System did not identify a pool of targeted sampling sites large enough to

ensure that it could collect the number of tap water samples required by the Lead and Copper Rule. The Water System also failed to identify a targeted pool prior to the beginning of the January-June 2015 monitoring period.

148. The Water System did not select all of the sampled homes from an existing sampling pool during either monitoring period.

149. The Water System does not have comprehensive, reliable information identifying the locations of its more than 15,000 lead service lines. On information and belief, the Water System has not consistently used and does not consistently use the records it may have concerning the locations of lead service lines to confirm that its samples are collected from homes with lead service lines.

150. On information and belief, for monitoring conducted from July 2014 through the present, the Water System has not ensured or verified and is not ensuring or verifying that half of its samples are collected from homes served by a lead service line, and that half of its samples are collected from homes that have lead pipes or copper pipes with lead solder. Because of its lack of knowledge of where its lead service lines are located, the Water System cannot reliably ensure that during each

monitoring period, it collects at least half of its samples from homes served by a lead service line.

151. On information and belief, the Water System has yet to identify a pool of targeted tap water sampling sites that meet the high-risk criteria set forth in the Lead and Copper Rule and is large enough to ensure that the System can collect the required number of tap water samples during future monitoring periods.

152. On information and belief, the Water System will continue to monitor for lead in household tap water without using an existing, sampling pool of high-risk sites to select the homes from which it collects samples.

Sampling sites across monitoring periods

153. During each monitoring period, the Lead and Copper Rule requires water systems to collect samples from the same homes. 40 C.F.R. § 141.86(b)(4). If the water system cannot gain entry into a previously sampled home, or if a previously sampled home no longer fits the Rule's high-risk criteria, then the system may collect a sample from another home in its sampling pool. *Id.* The home selected as a replacement sampling site must be located near the previously sampled home and meet the same

high-risk criteria. *Id.*

154. For the January–June 2015 monitoring period, the Water System collected tap water samples from only thirteen of the one hundred homes used during the previous six-month monitoring period. Each of these thirteen sampling sites had lead levels below the lead action level during the previous monitoring period.

155. On information and belief, during the January–June 2015 monitoring period, for any homes sampled during the previous monitoring period into which the Water System could no longer gain entry or that no longer met the Rule’s high-risk criteria, the System did not collect tap water samples from other homes selected from an existing sampling pool that were located nearby and met the same high-risk criteria.

156. On information and belief, the Water System is failing and/or will continue to fail to collect tap water samples at the same homes from which it collected samples during previous monitoring periods. The Water System is also failing and/or will continue to fail to replace homes in its sampling pool when necessary with homes that are nearby and meet the same high-risk criteria.

The Water System is failing to comply with the Lead and Copper Rule's reporting requirements

157. The Lead and Copper Rule requires water systems to report to state regulators all tap water sampling results for lead, including the location or "site" where each sample was collected. 40 C.F.R.

§ 141.90(a)(1)(i). For each sampling site, the water system must also report the basis on which the site was selected for the system's sampling pool, including whether the site is served by a lead service line or contains lead pipes. *Id.*; *see id.* § 141.86(a)(3)(i)-(ii).

158. If a water system does not collect tap water samples from the same sites across monitoring periods, the water system must mark or "designate" each site that was not sampled during the previous monitoring period, and explain why the sampling site changed. *Id.* § 141.90(a)(1)(v).

159. These requirements ensure that the water system is sampling in high-risk homes, and prevent the system from purposely avoiding sampling sites that have yielded high lead results in past monitoring periods.

160. The Water System is not accurately reporting to MDEQ whether its sampling sites are served by lead services lines or contain lead

pipes. For at least six tap water samples collected between July 1, 2014, and June 30, 2015, the Water System falsely reported to MDEQ that the sites were served by lead service lines, when in fact they were not.

161. On information and belief, the Water System does not have accurate information to identify whether its sampling sites are served by lead service lines or contain lead pipes. The Water System is likely to continue to fail to accurately report whether its sampling sites are served by lead service lines or contain lead pipes.

162. The Water System also is not reporting required information to MDEQ when the System fails to sample the same sites across monitoring periods.

163. For both the July–December 2014 and January–June 2015 monitoring periods, the Water System did not use the same sampling sites as in the previous monitoring periods. The Water System did not designate for MDEQ each new sampling site from which it collected a tap water sample during these monitoring periods. The Water System did not adequately explain – and in some cases, did not explain at all – the changes in its sampling sites from one monitoring period to the next.

164. The Water System is likely to continue its practice of not

designating each new sampling site from which it collects a tap water sample. The Water System is also likely to continue its practice of failing to explain changes in its sampling sites from previous monitoring periods.

The Water System is failing to comply with the Lead and Copper Rule's notification requirements

165. The Lead and Copper Rule requires water systems to notify the individuals residing at each sampling site of their tap water sampling results for lead. 40 C.F.R. § 141.85(d)(1). A water system must provide this notice "no later than 30 days after the system learns of the tap monitoring results." *Id.* § 141.85(d)(2).

166. On information and belief, for monitoring conducted from July 1, 2014, through June 30, 2015, the Water System failed to notify individuals residing at each sampling site of their tap water sampling results for lead within thirty days after the System learned of the results.

167. On information and belief, for monitoring conducted from July 1, 2015, through the present, the Water System is continuing to fail to notify individuals residing at each sampling site of their tap water sampling results for lead within thirty days after the System learns of the results.

FIRST CLAIM FOR RELIEF

(Violations of the Safe Drinking Water Act's requirement to operate and maintain optimal corrosion control treatment, 40 C.F.R. §§ 141.81-.82)

168. Plaintiffs incorporate by reference all of the preceding paragraphs.

169. Since April 2014, Defendants have violated and continue to violate the Safe Drinking Water Act and its implementing regulations by failing to operate and maintain optimal corrosion control treatment. 40 C.F.R. § 141.82(g).

SECOND CLAIM FOR RELIEF

(Violations of the Safe Drinking Water Act's requirements for monitoring tap water for lead, 40 C.F.R. § 141.86)

170. Plaintiffs incorporate by reference all of the preceding paragraphs.

171. Since April 2014, Defendants have violated and continue to violate the Safe Drinking Water Act and its implementing regulations by failing to comply with the Act's requirements to monitor household tap water for lead, including:

- a. the requirement to identify a pool of targeted sampling sites prior to monitoring, 40 C.F.R. § 141.86(a)(1);

- b. the requirement to select homes for sampling from an existing sampling pool, *id.*;
- c. during each monitoring period, the requirement to collect half of the samples from homes served by a lead service line and half of the samples from homes containing lead pipes or copper pipes with lead solder, *id.* § 141.86(a)(8); and
- d. the requirement to collect samples from the same homes or replacement homes that meet the Rule's criteria across monitoring periods, *id.* § 141.86(b)(4).

THIRD CLAIM FOR RELIEF
(Violations of the Safe Drinking Water Act's reporting requirements, 40 C.F.R. § 141.90)

172. Plaintiffs incorporate by reference all of the preceding paragraphs.

173. Since April 2014, Defendants have violated and continue to violate the Safe Drinking Water Act and its implementing regulations by failing to comply with the reporting requirements for monitoring household tap water for lead, including:

- a. the requirement to report the results of all tap water samples, including the location of each sampled home and the high-risk

criteria under which the home was chosen for the water

system's sampling pool, 40 C.F.R. § 141.90(a)(1)(i); and

- b. the requirement to designate any home that was not sampled during the previous monitoring periods and explain why the homes sampled have changed, *id.* § 141.90(a)(1)(v).

FOURTH CLAIM FOR RELIEF
(Violations of the Safe Drinking Water Act's notification requirements, 40 C.F.R. § 141.85)

174. Plaintiffs incorporate by reference all of the preceding paragraphs.

175. Since April 2014, Defendants have violated and continue to violate the Safe Drinking Water Act and its implementing regulations by failing to comply with the requirement that water systems notify customers of the individual results of tap water samples collected and tested for lead within thirty days after the water system receives the results. 40 C.F.R. § 141.85(d)(1), (d)(2).

REQUEST FOR RELIEF

Plaintiffs respectfully request that this Court enter judgment against Defendants as follows:

- A. Declaring that all Defendants are in violation of their

obligations under the Safe Drinking Water Act and its implementing regulations;

B. Enjoining all Defendants from ongoing and future violations of the Safe Drinking Water Act and its implementing regulations, including but not limited to the treatment, monitoring, reporting, and notification requirements of the Lead and Copper Rule;

C. Ordering that Defendants take all such actions as may be necessary, and all such actions as the Court may deem appropriate, to remedy these violations, comply with the Safe Drinking Water Act and its implementing regulations, and mitigate the harm caused by Defendants' violations of the Lead and Copper Rule's treatment, monitoring, reporting, and notification requirements.

D. Ordering that Defendants promptly complete full replacement of all lead service lines in the Water System at no cost to customers of the Water System, including replacement of those portions of the lead service lines that are privately owned, to the extent the Water System is able to obtain permission from the owner of the line after notifying the owner and offering to replace the owner's portion of the line at the Water System's expense;

E. Granting appropriate equitable relief to mitigate the health and medical risks and harm resulting from Defendants' violations;

F. Awarding Plaintiffs their reasonable costs and attorneys' fees; and

G. Granting such other and further relief as the Court deems just and proper.

Dated: January 27, 2016

Respectfully submitted,

/s/Dimple Chaudhary
Dimple Chaudhary
Natural Resources Defense Council
1152 15th Street, NW, Suite 300
Washington, DC 20005
(202) 289-2385
dchaudhary@nrdc.org

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Natural Resources Defense Council
20 North Wacker Drive, Suite 1600
Chicago, IL 60606
(312) 651-7918
stallman@nrdc.org

*Counsel for Concerned Pastors for
Social Action, Melissa Mays, and
Natural Resources Defense Council,
Inc.*

/s/Michael J. Steinberg
Michael J. Steinberg (P43085)
Brooke A. Tucker (P79136)
American Civil Liberties Union
Fund of Michigan
2966 Woodward Avenue
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*Counsel for American Civil Liberties
Union of Michigan*

Of counsel:

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Natural Resources Defense Council

20 North Wacker Drive, Suite 1600

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(312) 651-7938

awaikar@nrdc.org

efeinauer@nrdc.org

*Counsel for Concerned Pastors for
Social Action, Melissa Mays, and
Natural Resources Defense Council,
Inc.*

Glenn M. Simmington (P33626)

Law Office of Glenn M.

Simmington, PLLC

Mott Foundation Building

503 South Saginaw Street, Suite

1000

Flint, MI 48502

(810) 600-4211

gsimmington@gmail.com

Counsel for Plaintiff Melissa Mays

To: Burneson, Eric[Burneson.Eric@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 6:27:28 PM
Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Thank you.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Burneson, Eric
Sent: Thursday, January 28, 2016 1:26 PM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Question2. This process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

Deliberative Process / Ex. 5

From: Wadlington, Christina

Sent: Thursday, January 28, 2016 12:55 PM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>

Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Sorry Jeff,

I should have included you.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina

Sent: Thursday, January 28, 2016 12:54 PM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>

Subject: RE: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Lisa,

Do you have a status on this? It's #1 on the list for OPA to get out asap.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina

Sent: Wednesday, January 27, 2016 2:31 PM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>

Subject: FW: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Importance: High

Can we provide any details regarding Q2?

Question1: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Deliberative Process / Ex. 5

Question2. This process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Schollhamer, Mary

Sent: Wednesday, January 27, 2016 12:24 PM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: MEDIA INQUIRY: CQ Roll Call: Flint [DDL URGENT]

Below. Thanks!

Mary G Schollhamer

Acting Deputy Director of Communications

Office of Water

U.S. Environmental Protection Agency

Office: 202-564-5759

Mobile: 202-853-5317

schollhamer.mary@epa.gov

From: Lee, Monica

Sent: Wednesday, January 27, 2016 12:22 PM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: FW: Checking in LCR

Mary – this inquiry came in from CQ Roll call last night – his deadline is tomorrow afternoon. I'm going to send a list of inquiries we still need to try to address, but this one should be a top priority.

Feel free to call to discuss.

Here's the original inquiry:

I'm writing on the Flint story in more detail for a CQ Weekly story to run Friday online and in the magazine on Monday.

Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Looking here: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions>

I see that the working group appears to have completed its meetings and was to make recommendations to the National Drinking Water Advisory Council, which was then to make its own report to EPA.

I have a few questions, but one of them is whether this process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health.

As you may know, complaints have been aired by a resident of Flint and others that the current rule allows loopholes that let Flint or other places to effectively comply without protecting public health.

thanks

Ed Felker
Reporter

CQ Roll Call

O: 202-650-6426

Personal Phone / Ex. 6

Twitter: [@energyreporter](https://twitter.com/energyreporter)

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

Personal Phone / Ex. 6

lee.monica@epa.gov

To: Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Banks, Victoria[Banks.Victoria@epa.gov]
From: Viveiros, Edward
Sent: Thur 1/28/2016 6:29:19 PM
Subject: RE: Summary of Media Inquires

Below is my draft response to the following question from The Guardian:

Follow-up Question: Does the EPA still discourage water utilities from instructing people to pre-flush or flush taps or remove aerators prior to taking a sample? If so, why has the EPA not sought to ban these practices due to their influence on LCR tests?

Deliberative Process / Ex. 5

Thanks,

Eddy

Edward Viveiros

Environmental Engineer

OW/OGWDW/DWPD/PB

U.S. Environmental Protection Agency

viveiros.edward@epa.gov

(202) 564-4946

From: Lopez-Carbo, Maria
Sent: Wednesday, January 27, 2016 9:42 PM
To: Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: FW: Summary of Media Inquires

So we have had so many emails back and forth that we can't keep up.

Let's chat in the morning and see where we are in the response.

Thanks.

Maria

From: Wadlington, Christina
Sent: Wednesday, January 27, 2016 9:36 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: Summary of Media Inquires

Since there are a few out there, provided is a summary of pending Flint LCR inquiries and assignments.

Please let me know if I missed anything.

Thank you!

Detroit Free Press [Received 1/25] – PB pending OGC

Question: I found the LCR revisions and have a question about a line in here I'm hoping you can get me an answer to. In the recommendations from the working group, it says the EPA should "Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes". Can you point me to the language of that current rule regarding CCT and changes to source water or treatment? I've been looking around for some time but haven't been able to put my hands on

such a rule.

Bloomberg [Received 1/26] – Guardian response

Question: I'm working on an editorial about the issues raised in Friday's story in the Guardian, and I'm hoping somebody can help me with the following: Is it accurate that the EPA allows cities and water agencies to ask residents to pre-flush their water before lead testing, along with similar techniques that result in lowering the amount of lead that appears in the tested water? If so, is there an explanation for why the EPA allows those practices to continue?

The Guardian [Received 1/26] – PB

Follow-up Question: Does the EPA still discourage water utilities from instructing people to pre-flush or flush taps or remove aerators prior to taking a sample? If so, why has the EPA not sought to ban these practices due to their influence on LCR tests?

CQ Roll Call [Received 1/27] – TAB

Question: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Question: Looking here: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions> I see that the working group appears to have completed its meetings and was to make recommendations to the National Drinking Water Advisory Council, which was then to make its own report to EPA.

Question: I have a few questions, but one of them is whether this process might end up putting new or updated requirements on PWSs in terms of tap water testing and corrosion control that would not a community such as Flint to wait for state officials to order changes to protect public health. As you may know, complaints have been aired by a resident of Flint and others that the current rule allows loopholes that let Flint or other places to effectively comply without protecting public health.

Detroit Free Press [Received 1/27] – TAB and PB

Question: Reporters here and at other organizations (NYTimes, Washington Post) have noted 5 ppb lead as cause for concern in drinking water. I thought I saw somewhere buried in the EPA's SDWA a standard related 5 ppb and water testing. That is considered lead-free in PWSs. If not, do you have a number with the avg. nationwide, so folks can compare some of these lead levels?

Question: Other Orgs on lead and drinking water: The CDC notes there is no safe level of lead in drinking water. WHO maximum level of 10 ppb lead in drinking water. If you can help me identify the lower threshold in EPA guidance it would be greatly appreciated.

Gizmodo [Received 1/27] - TAB

Question: What is the EPA doing to address testing methods in cities that are being accused of practices that miss lead? (Guardian response?)

Question: Would the EPA consider requiring third-party testers which are not located in water districts?

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

To: King, Carol[King.Carol@epa.gov]
Cc: Denton, Loren[Denton.Loren@epa.gov]; Theis, Joseph[Theis.Joseph@epa.gov]; Thurmon, Clarke[Thurmon.Clarke@epa.gov]; Shinkman, Susan[Shinkman.Susan@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Pollins, Mark[Pollins.Mark@epa.gov]
From: Wilson, Shari
Sent: Thur 1/28/2016 6:30:51 PM
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint -- DRG document
DRG document - EPA section (clean copy 01 28 16)v2.docx

Deliberative Process / Ex. 5

I'll send on.

From: King, Carol
Sent: Thursday, January 28, 2016 1:24 PM
To: Wilson, Shari <Wilson.Shari@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>; Pollins, Mark <Pollins.Mark@epa.gov>
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint -- DRG document

Hi Shari,

I attach a redlined version of the bullet points below. I've also attached a clean copy.

Thanks,
Carol

Carol DeMarco King, Attorney-Advisor
United States Environmental Protection Agency
Office of Enforcement and Compliance Assurance
Office of Civil Enforcement/Water Enforcement Division
1200 Pennsylvania Ave., NW (Mail Code 2243A)
Washington, DC 20460
Phone: (202) 564-2412

Fax: (202) 564-0024
Email: king.carol@epa.gov

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From: Wilson, Shari
Sent: Thursday, January 28, 2016 9:32 AM
To: Pollins, Mark <Pollins.Mark@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Subject: RE: INPUT NEEDED TONIGHT: EPA Measure for Flint

Deliberative Process / Ex. 5

Thanks.

Shari

From: Pollins, Mark
Sent: Wednesday, January 27, 2016 11:00 PM
To: Wilson, Shari <Wilson.Shari@epa.gov>
Cc: Denton, Loren <Denton.Loren@epa.gov>; King, Carol <King.Carol@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Thurmon, Clarke <Thurmon.Clarke@epa.gov>; Shinkman, Susan <Shinkman.Susan@epa.gov>; Giles-AA, Cynthia <Giles-AA.Cynthia@epa.gov>
Subject: Re: INPUT NEEDED TONIGHT: EPA Measure for Flint

Loren and I just got into Lansing. Not sure what the measures are flowing into but my immediate concern is what if we pursue a response other than the AO. I am sure others responded by now.

Sent from my iPhone

On Jan 27, 2016, at 7:02 PM, Wilson, Shari <Wilson.Shari@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Natarajan, Nitin

Sent: Wednesday, January 27, 2016 4:16 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>; Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>; Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert <kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>; Wilson, Shari <Wilson.Shari@epa.gov>; Travers, David <Travers.David@epa.gov>; Tingley, Kevin <Tingley.Kevin@epa.gov>

Subject: INPUT NEEDED TONIGHT: EPA Measure for Flint

All,

Deliberative Process / Ex. 5

Please let me know sometime TODAY/TONIGHT, if you have any edits/issues.

Thanks in advance!

N

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Nitin Natarajan

Deputy Assistant Administrator

Office of Land and Emergency Management

Environmental Protection Agency

202-566-0200 Office

From: Natarajan, Nitin

Sent: Monday, January 25, 2016 5:20 PM

To: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burke, Thomas <Burke.Thomas@epa.gov>;
Sayles, Gregory <Sayles.Gregory@epa.gov>; Purchia, Liz <Purchia.Liz@epa.gov>;
Harrison, Melissa <Harrison.Melissa@epa.gov>; Kaplan, Robert
<kaplan.robert@epa.gov>; Durno, Mark <durno.mark@epa.gov>

Subject: Fw: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

All,

Deliberative Process / Ex. 5

I know everybody has a lot on their plate, but if I could ask OW/ORD to take a look and put together some recommendations that we can share with the group prior to us responding back officially, I would appreciate it.

N

Nitin Natarajan
Deputy Assistant Administrator
Office of Land and Emergency Management
Environmental Protection Agency
202-566-0200 Office

From: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Sent: Monday, January 25, 2016 3:35 PM
To: Noronha, Neil J.
Cc: Cramer, Drew; Wood, John; Washington, Russell; Sherman, Will; Gautier, Peter; Pope, Amy; Valocsik-Jackson, Erin; Woods, Olivia
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Please see the attached document for today's meeting.

From: Noronha, Neil J.
Sent: Sunday, January 24, 2016 9:01 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>; Pope, Amy <Amy_E_Pope@nsc.eop.gov>; Valocsik-Jackson, Erin <Erin_L_Valocsik@nsc.eop.gov>; Woods, Olivia <Olivia_M_Woods@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Given tomorrow's closure of the federal government, the Restricted DRG on Flint, Michigan will take place via teleconference. Below is the information for the teleconference.

Phone: 202-395-6392

Nonresponsive Conference Code

Please confirm your attendance to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by tomorrow, Monday January 25, 2016 at 12:00 P.M.

Thank you for your flexibility and cooperation with this matter!

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 4:14 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: RE: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members: Apologies for the lack of clarification. This Restricted DRG is about the Flint, Michigan water situation.

From: Noronha, Neil J.
Sent: Friday, January 22, 2016 2:52 PM
To: Noronha, Neil J. <Neil_J_Noronha@nsc.eop.gov>
Cc: Cramer, Drew <Drew_W_Cramer@nsc.eop.gov>; Wood, John <John_S_Wood@nsc.eop.gov>; Washington, Russell <Russell_C_Washington@nsc.eop.gov>; Sherman, Will <Jeffrey_W_Sherman@nsc.eop.gov>; Gautier, Peter <Peter_W_Gautier@nsc.eop.gov>
Subject: On Behalf of Peter Gautier: Restricted DRG Meeting Invitation (January 25, 2016 at 4:00 in EEOB 428)

DRG Members,

The restricted DRG meeting scheduled for Monday, January 25, 2016 has been scheduled from **4:00 to 5:00 in EEOB 428.**

The meeting will be held at the **UNCLAS** level. Please send WAVES information via <https://events.whitehouse.gov/form?rid=M9W24RG9C8>, **NLT 5:00 P.M., Sunday, January 24.**

Attendance should be confirmed to Neil Noronha (Neil_J_Noronha@nsc.eop.gov) by **5:00 P.M., Sunday, January 24.** Space is limited, please **limit attendance to one primary, and one backbench.**

****ATTENTION HUD AND DOI** PLEASE IDENTIFY A REPRESENTATIVE FROM FHA AND USGS, RESPECTIVELY, TO ATTEND THIS RESTRICTED DRG.**

**RESTRICTED DOMESTIC RESILIENCE GROUP INTERAGENCY POLICY
COMMITTEE MEETING**

DATE: January 25, 2016

LOCATION: EEOB 428

TIME: 4:00 p.m. – 5:00 p.m.

AGENDA

- I. Situational UpdateHHS
- II. Status of Unified Coordination Group.....FEMA
- III. Update on Agency Roles and Capabilities.....All
- IV. Planning of Way Forward.....HHS
- V. Closing Remarks.....NSC

Agency representatives should be prepared to discuss their capabilities and capacities regarding this event and recommended requests that could be proposed by the city, county, or State.

Thank you for your understanding and cooperation given this quick turnaround!

Sincerely,

Peter Gautier

Senior Director for Response Policy

National Security Council Staff

<DRG MASTER DRAFT DOCUMENT v2- USG FLINT Senior Leadership Brief
25JAN20....docx>

To: Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Goldberg, Michael[Goldberg.Michael@epa.gov]; Banks, Victoria[Banks.Victoria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]
Sent: Thur 1/28/2016 6:34:20 PM
Subject: RE: Draft Briefing Materials

My comments

Deliberative Process / Ex. 5

From: Kempic, Jeffrey
Sent: Thursday, January 28, 2016 12:23 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Subject: Draft Briefing Materials

All,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Let me know if you have comments. Thanks.

Jeff

To: Purchia, Liz[Purchia.Liz@epa.gov]; Fritz, Matthew[Fritz.Matthew@epa.gov]; Meiburg, Stan[Meiburg.Stan@epa.gov]; Distefano, Nichole[DiStefano.Nichole@epa.gov]
Sent: Thur 1/28/2016 6:34:23 PM
Subject: RE: Peters, Stabenow to offer measure to replace lead pipes

Thx. I know Nichole is aware of this, but just in case, wanted to let folks know that we are providing technical assistance related to this proposal.

From: Purchia, Liz
Sent: Thursday, January 28, 2016 12:51 PM
To: Fritz, Matthew <Fritz.Matthew@epa.gov>; Beauvais, Joel <Beauvais.Joel@epa.gov>; Meiburg, Stan <Meiburg.Stan@epa.gov>; Distefano, Nichole <DiStefano.Nichole@epa.gov>
Subject: Peters, Stabenow to offer measure to replace lead pipes

Peters, Stabenow to offer measure to replace lead pipes

Melissa Nann Burke, The Detroit News 12:19 p.m. EST January 28, 2016

<http://www.detroitnews.com/story/news/michigan/flint-water-crisis/2016/01/28/flint-fed-money/79460800/>

Washington — Democratic Sens. Gary Peters and Debbie Stabenow say they will offer an amendment to a bipartisan energy policy bill under consideration in the Senate with the hopes of jump-starting the process of repairing or replacing lead services lines contributing to the contamination of drinking water in Flint.

The amendment would provide up to \$400 million in federal emergency funding to the Environmental Protection Agency to help fix Flint's water-supply infrastructure. Those emergency funds, provided through the Drinking Water Revolving Loan Fund program, would have to be matched dollar-for-dollar by the state, the lawmakers said on a call with reporters.

"We're asking that the state of Michigan come up with \$400 million, and the federal government will match that dollar for dollar," said Stabenow of Lansing.

Gov. Rick Snyder estimated the cost of repairing or replacing Flint's water infrastructure at \$767 million in a Jan. 14 letter to President Barack Obama requesting federal assistance.

The bill would also establish and fund a \$200 million Center of Excellence on Lead Exposure to focus on the immediate and long-term needs of children and adults exposed to lead, Stabenow said.

"This would address both coordinating services that are needed but also doing the research on how to help, what works, what doesn't work, communicating with the community," Stabenow said.

"And heaven help us, if this happens again in a city across America, there would be better data on what to do that makes a difference in people's lives."

Lead has leached from Flint's water lines and pipes since April 2014 when the city was pumping its drinking water from the corrosive Flint River. After Flint doctors found children exposed to lead poisoning in September, the city last fall switched its water source back to Detroit's treated Lake Huron water.

The amendment to the Energy Policy and Modernization Act would also incorporate legislation announced Wednesday by Peters, Stabenow and Rep. Dan Kildee, D-Flint Township, that would require the EPA to alert the public of high lead levels in drinking water when a state agency fails to do so for more than 15 days.

"Let's be clear. The primary responsibility for notifying residents lies with the state," said Peters of Bloomfield Township. "But when you have a situation like we had here in Flint, where the state was basically hiding information, there has to be another layer of accountability."

The amendment would also give Michigan flexibility to use funding available through the federally funded Drinking Water Revolving Loan program to help forgive nearly \$21 million in past water infrastructure loans owed by Flint to the state.

"If that money was not due back to the state, those dollars could be redirected for immediate improvements to Flint's infrastructure," Kildee told reporters.

"The irony is not lost on me that the city owes the State of Michigan money related to its water infrastructure, at a time when the state of Michigan has done so much to damage that infrastructure."

mburke@detroitnews.com

Liz Purchia

Acting Associate Administrator, Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-6691

Cell: 202-841-2230

To: Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Goldberg, Michael[Goldberg.Michael@epa.gov]; Banks, Victoria[Banks.Victoria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]
From: Burneson, Eric
Sent: Thur 1/28/2016 6:38:15 PM
Subject: RE: Draft Briefing Materials

Deliberative Process / Ex. 5

From: Kempic, Jeffrey
Sent: Thursday, January 28, 2016 12:23 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Subject: Draft Briefing Materials

All,

I have attached a draft briefing with the background material on sampling, CCT and LSLR followed by a detailed discussion of the sampling issues and the guidance/rule requirements that relate to those issues. Let me know if you have comments. Thanks.

Jeff

To: Burneson, Eric[Burneson.Eric@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 6:50:20 PM
Subject: FW: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Deliberative Process / Ex. 5

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Loop, Travis
Sent: Thursday, January 28, 2016 1:38 PM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: RE: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Travis Loop

Director of Communications
Office of Water

U.S. Environmental Protection Agency

202-870-6922

loop.travis@epa.gov

From: Wadlington, Christina

Sent: Thursday, January 28, 2016 1:23 PM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: RE: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Deliberative Process / Ex. 5

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Schollhamer, Mary
Sent: Thursday, January 28, 2016 11:20 AM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>
Subject: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Christina, Per Monica's email, below:

-
-
-

Deliberative Process / Ex. 5

Mary G Schollhamer

Acting Deputy Director of Communications

Office of Water

U.S. Environmental Protection Agency

Office: 202-564-5759

Mobile: 202-853-5317

schollhamer.mary@epa.gov

From: Lee, Monica

Sent: Thursday, January 28, 2016 11:15 AM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: RE: Flint inquiries

Deliberative Process / Ex. 5

From: Schollhamer, Mary
Sent: Thursday, January 28, 2016 10:59 AM
To: Lee, Monica <Lee.Monica@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>
Subject: RE: Flint inquiries

Deliberative Process / Ex. 5

Huffington Post – Arthur Delaney –deadline tomorrow morning

Working on a story about how lead pipes are unground lots of places, so the strategy is to monitor the water and not necessarily replace the pipes, because that can backfire. Looking at the 11 million lead pipes in the U.S. and the \$25-75 billion it would cost to replace them all. Is that true? In 2012 the CDC cited a 1990 study that said there were 3 million, so he would use that unless EPA had something better.

Mary G Schollhamer

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U.S. Environmental Protection Agency

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Mobile: 202-853-5317

schollhamer.mary@epa.gov

From: Lee, Monica
Sent: Wednesday, January 27, 2016 5:24 PM
To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: Flint inquiries

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

Personal Phone / Ex. 6

lee.monica@epa.gov

To: Wadlington, Christina[Wadlington.Christina@epa.gov]
From: Burneson, Eric
Sent: Thur 1/28/2016 6:55:54 PM
Subject: RE: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

A tweak to reduce the redundancy

Deliberative Process / Ex. 5

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 1:50 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Subject: FW: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Deliberative Process / Ex. 5

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Loop, Travis

Sent: Thursday, January 28, 2016 1:38 PM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Subject: RE: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Deliberative Process / Ex. 5

Travis Loop

Director of Communications
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202-870-6922

loop.travis@epa.gov

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To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

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Deliberative Process / Ex. 5

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Sent: Thursday, January 28, 2016 11:20 AM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Christina, Per Monica's email, below:

-

-

Deliberative Process / Ex. 5

Mary G Schollhamer

Acting Deputy Director of Communications

Office of Water

U.S. Environmental Protection Agency

Office: 202-564-5759

Mobile: 202-853-5317

schollhamer.mary@epa.gov

From: Lee, Monica

Sent: Thursday, January 28, 2016 11:15 AM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: RE: Flint inquiries

Deliberative Process / Ex. 5

Right now he just needs confirmation on that. Deadline ASAP.

From: Schollhamer, Mary
Sent: Thursday, January 28, 2016 10:59 AM
To: Lee, Monica <Lee.Monica@epa.gov>
Cc: Loop, Travis <Loop.Travis@epa.gov>
Subject: RE: Flint inquiries

Monica, I never received the Huff Post request. Can you resend? And maybe missing from your list is the Kristi Tanner request from Detroit Free Press and the Gizmodo inquiry from Alissa Walker. They're lead-related, but not directly Flint.

Huffington Post – Arthur Delaney –deadline tomorrow morning

Working on a story about how lead pipes are unground lots of places, so the strategy is to monitor the water and not necessarily replace the pipes, because that can backfire. Looking at the 11 million lead pipes in the U.S. and the \$25-75 billion it would cost to replace them all. Is that true? In 2012 the CDC cited a 1990 study that said there were 3 million, so he would use that unless EPA had something better.

Mary G Schollhamer

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Mobile: 202-853-5317

schollhamer.mary@epa.gov

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Subject: Flint inquiries

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

Personal Phone / Ex. 6

lee.monica@epa.gov

To: Burneson, Eric[Burneson.Eric@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 6:56:39 PM
Subject: RE: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Works for me.

Thanks!

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Burneson, Eric
Sent: Thursday, January 28, 2016 1:56 PM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>
Subject: RE: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

A tweak to reduce the redundancy

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 1:50 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Subject: FW: MEDIA INQUIRY: Huffington Post: Lead [DDL ASAP]

Deliberative Process / Ex. 5

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Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

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Sent: Thursday, January 28, 2016 1:38 PM
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Deliberative Process / Ex. 5

Travis Loop

Director of Communications
Office of Water

U.S. Environmental Protection Agency

202-870-6922

loop.travis@epa.gov

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Deliberative Process / Ex. 5

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Sent: Thursday, January 28, 2016 11:20 AM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

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Christina, Per Monica's email, below:

-
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Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Acting Deputy Director of Communications

Office of Water

U.S. Environmental Protection Agency

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Mobile: 202-853-5317

schollhamer.mary@epa.gov

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Sent: Thursday, January 28, 2016 11:15 AM

To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>

Cc: Loop, Travis <Loop.Travis@epa.gov>

Subject: RE: Flint inquiries

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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Cc: Loop, Travis <Loop.Travis@epa.gov>
Subject: RE: Flint inquiries

Deliberative Process / Ex. 5

Huffington Post – Arthur Delaney –deadline tomorrow morning

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Mobile: 202-853-5317

schollhamer.mary@epa.gov

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To: Schollhamer, Mary <Schollhamer.Mary@epa.gov>
Subject: Flint inquiries

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

New York Times – Michael Wines – end of week

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Monica Lee

Deputy Press Secretary

Office of Public Affairs

U.S. Environmental Protection Agency

Office: 202-564-0645

Personal Phone / Ex. 6

lee.monica@epa.gov

To: Gentile, Laura[Gentile.Laura@epa.gov]
Sent: Thur 1/28/2016 7:08:08 PM
Subject: RE: Draft talking points for your review

Sorry I missed this earlier. Overall, very good. A couple of suggested edits in markup below, if not too late.

Tim Henry
Deputy Director, Water Division
U.S. EPA (W-15J)
77 W. Jackson Blvd., Chicago, IL 60604-3590
Phone: 312.886.6107 Fax: 312.692.2578

From: Gentile, Laura
Sent: Thursday, January 28, 2016 9:59 AM
To: Henry, Timothy <henry.timothy@epa.gov>
Subject: Draft talking points for your review

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Laura L. Gentile
U.S EPA Office of Sustainable Communities

202.564.3158

gentile.laura@epa.gov



Subscribe to EPA's smart growth email list at
<http://yosemite.epa.gov/opei/opeipub.nsf/Membership>.

To: Goldberg, Michael[Goldberg.Michael@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Banks, Victoria[Banks.Victoria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]
From: Burneson, Eric
Sent: Thur 1/28/2016 7:08:45 PM
Subject: RE: Draft Briefing Materials

Deliberative Process / Ex. 5

Can you make a dozen hard copies double sided by 3:00pm?

From: Goldberg, Michael
Sent: Thursday, January 28, 2016 1:58 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Subject: RE: Draft Briefing Materials

All,

Deliberative Process / Ex. 5

Michael

From: Burneson, Eric
Sent: Thursday, January 28, 2016 1:38 PM
To: Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa

<Huff.Lisa@epa.gov>

Subject: RE: Draft Briefing Materials

Deliberative Process / Ex. 5

From: Kempic, Jeffrey

Sent: Thursday, January 28, 2016 12:23 PM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald
<Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Goldberg,
Michael <Goldberg.Michael@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa
<Huff.Lisa@epa.gov>

Subject: Draft Briefing Materials

All,

I have attached a draft briefing with the background material on sampling, CCT and LSLR followed by a detailed discussion of the sampling issues and the guidance/rule requirements that relate to those issues. Let me know if you have comments. Thanks.

Jeff

To: Burneson, Eric[Burneson.Eric@epa.gov]
From: Goldberg, Michael
Sent: Thur 1/28/2016 7:10:16 PM
Subject: RE: Draft Briefing Materials

I will have them ready

From: Burneson, Eric
Sent: Thursday, January 28, 2016 2:09 PM
To: Goldberg, Michael <Goldberg.Michael@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
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Deliberative Process / Ex. 5

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All,

Deliberative Process / Ex. 5

Michael

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Subject: RE: Draft Briefing Materials

Deliberative Process / Ex. 5

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Subject: Draft Briefing Materials

All,

Deliberative Process / Ex. 5

Jeff

To: Moriarty, Edward[Moriarty.EdwardJ@epa.gov]
Cc: Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
From: Helm, Erik
Sent: Thur 1/28/2016 7:17:40 PM
Subject: RE: VM Message

Ed,

Deliberative Process / Ex. 5

erik

Erik C. Helm, Ph.D.
Senior Economist
U.S. Environmental Protection Agency
OW, OGWDW, SRMD,
Targeting and Analysis Branch
Mailing Address:
Mailcode 4607M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Physical Address (Package Delivery):
Room 2227N
1201 Constitution Avenue, N.W.
Washington, D.C. 20004
E-mail: Helm.Erik@epa.gov
Ph: 202-566-1049
Fax: 202-564-3760

From: Moriarty, Edward
Sent: Thursday, January 28, 2016 1:14 PM
To: Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Helm, Erik <Helm.Erik@epa.gov>
Subject: FW: VM Message

Afternoon Jeff and Erik,

Below are some questions from R5. I don't know if they are Flint or Sebring related but they asked for our assistance.

Deliberative Process / Ex. 5

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

From: Lopez-Carbo, Maria
Sent: Thursday, January 28, 2016 9:29 AM
To: Moriarty, Edward; Banks, Victoria; Viveiros, Edward
Cc: Kempic, Jeffrey
Subject: RE: VM Message

*This is meant to be a starting point, please use the language below to finalize responses.
Thanks.*

- Why was the AL set at 15 ppb?

Deliberative Process / Ex. 5

- Why did EPA set a TT and not an MCL?

Deliberative Process / Ex. 5

- Is lead treated as an acute contaminant?

Deliberative Process / Ex. 5

- Is there any newer health info for lead?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Moriarty, Edward
Sent: Wednesday, January 27, 2016 2:51 PM
To: Bair, Rita <bair.rita@epa.gov>
Subject: VM Message

Hi Rita,

I saw that you called. I'm sitting on a call with R6.

Something I might be able to address via email?

Ed

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

To: Hautman, Dan[Hautman.Dan@epa.gov]; Carroll, Gregory[Carroll.Gregory@epa.gov]
From: Burneson, Eric
Sent: Thur 1/28/2016 7:29:04 PM
Subject: FW: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

How long would it take to revise this in the approved method?

From: Hautman, Dan
Sent: Friday, January 22, 2016 3:40 PM
To: Bergman, Ronald <Bergman.Ronald@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Bergman, Ronald
Sent: Friday, January 22, 2016 2:27 PM
To: Hautman, Dan <Hautman.Dan@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

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Sent: Friday, January 22, 2016 2:23 PM
To: Burneson, Eric; Lopez-Carbo, Maria
Cc: Wadlington, Christina; Bergman, Ronald; Banks, Victoria; Viveiros, Edward
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

200.8:

6.10.7 Narrow-mouth storage bottles, FEP (fluorinated ethylene propylene) with
ETFE (ethylene tetrafluorethylene) screw closure, 125-250 mL capacities.

200.9:

6.10.7 Narrow-mouth storage bottles, FEP (fluorinated ethylene propylene) with
screw closure, 125 mL to 1 L capacities.

Deliberative Process / Ex. 5

Dan

From: Burneson, Eric
Sent: Friday, January 22, 2016 2:01 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Hautman, Dan <Hautman.Dan@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Dan can you send the specific method language and reference so we have that information for future inquiry's

From: Lopez-Carbo, Maria
Sent: Friday, January 22, 2016 1:54 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Hautman, Dan <Hautman.Dan@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Thanks for that clarification Eric. Adding PB staff.

We need to communicate this to Peter. When we looked in implementation materials we did not find this so we need to tell him

Sent from my iPhone

On Jan 22, 2016, at 1:45 PM, Burneson, Eric <Burneson.Eric@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Wadlington, Christina
Sent: Friday, January 22, 2016 1:23 PM

To: Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>

Cc: Burneson, Eric <Burneson.Eric@epa.gov>

Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Ron,

Just to ensure I understand, does this capture your comment?

1. Is it correct that no large water utilities in the US have so far implemented water corrosion treatment for their systems?

Deliberative Process / Ex. 5

2. Is the EPA taking any action against any water utility for not doing this?

Deliberative Process / Ex. 5

3. Is the EPA aware of water utilities using various methods to alter the conditions for lead testing, such as advising people to run their taps to flush out lead prior to tests, or using small bottles to influence the flow of water? If so, how widespread is this kind of practice.

Deliberative Process / Ex. 5

4. Does the EPA consider this kind of activity means that lead pollution in water is potentially far greater than thought?

Deliberative Process / Ex. 5

5. A working group on lead and copper content in water finished up last year. When will the EPA be deciding on which recommendations to adopt?

Deliberative Process / Ex. 5

6. Broadly speaking, how confident can Americans be that millions of them aren't unwittingly drinking water with dangerously high levels of lead?

Deliberative Process / Ex. 5

Christina Wadlington

U.S. Environmental Protection Agency

Office of Chemical Safety and Pollution Prevention

National Program Chemicals Division

(202)566-1859

From: Bergman, Ronald
Sent: Friday, January 22, 2016 12:38 PM
To: Lopez-Carbo, Maria
Cc: Wadlington, Christina
Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 22, 2016, at 12:29 PM, Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Wadlington, Christina
Sent: Thursday, January 21, 2016 3:15 PM
To: Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Lisa,

Request your review for the below and input for #3.

Thank you.

1. Is it correct that no large water utilities in the US have so far implemented water corrosion treatment for their systems?

Deliberative Process / Ex. 5

2. Is the EPA taking any action against any water utility for not doing this?

Deliberative Process / Ex. 5

3. Is the EPA aware of water utilities using various methods to alter the conditions for lead testing, such as advising people to run their taps to flush out lead prior to tests, or using small bottles to influence the flow of water? If so, how widespread is this kind of practice?

Deliberative Process / Ex. 5

- ???

4. Does the EPA consider this kind of activity means that lead pollution in water is potentially far greater than thought?

Deliberative Process / Ex. 5

5. A working group on lead and copper content in water finished up last year. When will the EPA be deciding on which recommendations to adopt?

Deliberative Process / Ex. 5

6. Broadly speaking, how confident can Americans be that millions of them aren't unwittingly drinking water with dangerously high levels of lead?

Deliberative Process / Ex. 5

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

To: Bielanski, Andrew[bielanski.andrew@epa.gov]; robin[Robin.Schmidt@wisconsin.gov];
jeanne[Jeanne.Cargill@Wisconsin.gov]; beekyscott[Rebecca.Scott@Wisconsin.gov]; Baltazar,
Debbie[baltazar.debbie@epa.gov]
From: Marquardt, Steve
Sent: Thur 1/28/2016 7:34:21 PM
Subject: milwaukee article

The City of Milwaukee and 70,000 residential property owners are facing total costs of \$511 million or more to remove all lead pipes delivering drinking water to those homes, and eliminate the risk of contaminating tap water with the toxic metal.

In the interim, the Milwaukee Water Works has canceled 5 miles of water main replacement projects scheduled this year in older residential neighborhoods where lead pipes connect municipal mains to around 500 homes.

The projects are "on pause," Milwaukee Mayor Tom Barrett said, while public works and health officials plan how they will work with property owners to remove the lead service laterals throughout the city.

Make no mistake, Barrett said, Milwaukee treats Lake Michigan water to control corrosion of lead pipes and prevent contamination of drinking water. Tests of tap water required by federal drinking water regulations confirm city water is safe to drink, records show.

The lack of corrosion control is at the root of the lead poisoning crisis that is gripping Flint, Mich. When the city switched to the Flint River for its water supply in late 2014 as a cost-cutting measure, the river water was not treated to control corrosion of toxic lead from laterals.

The Milwaukee Water Works decision on main construction was made out of concern that the brief disconnection required in main replacement work temporarily would boost lead contamination in drinking water of those 500 homes, according to public works officials.

But that number represents only the tip of a much larger problem: the 70,000 lead laterals serving city residences built before 1951.

Simply proceeding with main replacements in neighborhoods with lead laterals would ignore evidence of the contamination caused by cutting the lead pipe during main replacement, city Health Commissioner Bevan Baker said.

That disturbance "has been found to contaminate drinking water and present a public health risk especially to vulnerable populations such as young children, pregnant women and breast-feeding mothers," Baker said in letters to state officials.

Water Works Superintendent Carrie Lewis said 2016 main replacement projects were canceled in the pre-1951 neighborhoods after reviewing results of water tests done last year at homes where mains were replaced and then reconnected to the lead laterals.

Only 62 residences served by lead laterals were affected by 15 miles' worth of main replacement projects last year in several neighborhoods. Those families were advised to flush water pipes in the homes after work was done, Lewis said.

In each of six residences where tap water was tested, contamination increased after lead laterals were reattached to mains, Lewis said. Highest levels of lead were found the day after construction was completed.

Disconnecting and reconnecting the laterals when mains are replaced appears to break off enough lead particles to contaminate drinking water flowing into a residence, Lewis said.

Unsafe levels of lead were not found four weeks later when the tap water was retested, according to Water Works test results.

Replacing all of the city's lead laterals over time to prevent water contamination during main replacement would cost hundreds of millions of dollars, with the city and property owners splitting the expense. The city owns the lateral from the water main to the property line; the property owner is responsible for the section between the property line and the residence.

Here are the estimates: The city share would be \$266 million based on estimate of \$3,800 each; property owners would face a total tab of \$245 million to \$490 million due to varying lengths of privately owned sections and costs between \$3,500 and \$7,000 each; the total price would be \$511 million to \$756 million.

Steve Marquardt

USEPA Region 5

77 West Jackson Blvd

Chicago, Illinois 60604

(312)353-3214

To: Burneson, Eric[Burneson.Eric@epa.gov]; Goldberg, Michael[Goldberg.Michael@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Banks, Victoria[Banks.Victoria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]
Sent: Thur 1/28/2016 7:42:56 PM
Subject: RE: Draft Briefing Materials

Deliberative Process / Ex. 5

From: Burneson, Eric
Sent: Thursday, January 28, 2016 2:09 PM
To: Goldberg, Michael <Goldberg.Michael@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Subject: RE: Draft Briefing Materials

Deliberative Process / Ex. 5

Can you make a dozen hard copies double sided by 3:00pm?

From: Goldberg, Michael
Sent: Thursday, January 28, 2016 1:58 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>

Subject: RE: Draft Briefing Materials

All,

Deliberative Process / Ex. 5

Michael

From: Burneson, Eric

Sent: Thursday, January 28, 2016 1:38 PM

To: Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>

Subject: RE: Draft Briefing Materials

Deliberative Process / Ex. 5

From: Kempic, Jeffrey

Sent: Thursday, January 28, 2016 12:23 PM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Goldberg, Michael <Goldberg.Michael@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>

Subject: Draft Briefing Materials

All,

I have attached a draft briefing with the background material on sampling, CCT and LSLR followed by a detailed discussion of the sampling issues and the guidance/rule requirements that relate to those issues. Let me know if you have comments. Thanks.

Jeff

To: Michael Goldberg (Goldberg.Michael@epa.gov)[Goldberg.Michael@epa.gov]
From: Banks, Victoria
Sent: Thur 1/28/2016 8:21:02 PM
Subject: FW: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Below are sample methods

From: Wadlington, Christina
Sent: Monday, January 25, 2016 1:49 PM
To: Bergman, Ronald; Lopez-Carbo, Maria
Cc: Banks, Victoria; Viveiros, Edward
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Sorry to pester, the reporter has been asking.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina
Sent: Monday, January 25, 2016 10:17 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Hautman, Dan <Hautman.Dan@epa.gov>;
Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Maria/Ron,

Is this ok, pending OECA on #2?

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Burneson, Eric

Sent: Sunday, January 24, 2016 9:17 PM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Hautman, Dan <Hautman.Dan@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>

Cc: Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>

Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

From: Wadlington, Christina

Sent: Sunday, January 24, 2016 8:31 PM

To: Hautman, Dan <Hautman.Dan@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>

Cc: Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>

Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Did we reach a consensus on this or should I set up a meeting to discuss?

1. Is it correct that no large water utilities in the US have so far implemented water corrosion treatment for their systems?

Deliberative Process / Ex. 5

2. Is the EPA taking any action against any water utility for not doing this?

Deliberative Process / Ex. 5

3. Is the EPA aware of water utilities using various methods to alter the conditions for lead testing, such as advising people to run their taps to flush out lead prior to tests, or using small bottles to influence the flow of water? If so, how widespread is this kind of practice.

Deliberative Process / Ex. 5

Does the EPA consider this kind of activity means that lead pollution in water is potentially far greater than thought?

Deliberative Process / Ex. 5

5. A working group on lead and copper content in water finished up last year. When will the EPA be deciding on which recommendations to adopt?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

6. Broadly speaking, how confident can Americans be that millions of them aren't unwittingly drinking water with dangerously high levels of lead?

Deliberative Process / Ex. 5

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Hautman, Dan

Sent: Friday, January 22, 2016 3:40 PM

To: Bergman, Ronald <Bergman.Ronald@epa.gov>; Burneson, Eric

<Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Banks, Victoria
<Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

From: Bergman, Ronald
Sent: Friday, January 22, 2016 2:27 PM
To: Hautman, Dan <Hautman.Dan@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>;
Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Banks, Victoria
<Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

From: Hautman, Dan
Sent: Friday, January 22, 2016 2:23 PM
To: Burneson, Eric; Lopez-Carbo, Maria
Cc: Wadlington, Christina; Bergman, Ronald; Banks, Victoria; Viveiros, Edward
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

Dan

From: Burneson, Eric
Sent: Friday, January 22, 2016 2:01 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Hautman, Dan <Hautman.Dan@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: RE: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

From: Lopez-Carbo, Maria
Sent: Friday, January 22, 2016 1:54 PM
To: Burneson, Eric <Burneson.Eric@epa.gov>
Cc: Wadlington, Christina <Wadlington.Christina@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Hautman, Dan <Hautman.Dan@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>
Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Thanks for that clarification Eric. Adding PB staff.

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 22, 2016, at 1:45 PM, Burneson, Eric <Burneson.Eric@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Wadlington, Christina
Sent: Friday, January 22, 2016 1:23 PM
To: Bergman, Ronald <Bergman.RonjuaId@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Ron,

Just to ensure I understand, does this capture your comment?

1. Is it correct that no large water utilities in the US have so far implemented water corrosion treatment for their systems?

Deliberative Process / Ex. 5

2. Is the EPA taking any action against any water utility for not doing this?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

4. Does the EPA consider this kind of activity means that lead pollution in water is potentially far greater than thought?

Deliberative Process / Ex. 5

5. A working group on lead and copper content in water finished up last year. When will the EPA be deciding on which recommendations to adopt?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

6. Broadly speaking, how confident can Americans be that millions of them aren't unwittingly drinking water with dangerously high levels of lead?

Deliberative Process / Ex. 5

Christina Wadlington

U.S. Environmental Protection Agency

Office of Chemical Safety and Pollution Prevention

National Program Chemicals Division

(202)566-1859

From: Bergman, Ronald
Sent: Friday, January 22, 2016 12:38 PM
To: Lopez-Carbo, Maria
Cc: Wadlington, Christina
Subject: Re: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 22, 2016, at 12:29 PM, Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov> wrote:

Deliberative Process / Ex. 5

Christina- feel free to format for press.

Deliberative Process / Ex. 5

From: Wadlington, Christina
Sent: Thursday, January 21, 2016 3:15 PM
To: Christ, Lisa <Christ.Lisa@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Media Inquiry: Guardian, LCR Deadline: 1/22 Noon

Lisa,

Request your review for the below and input for #3.

Thank you.

1. Is it correct that no large water utilities in the US have so far implemented water corrosion treatment for their systems?

Deliberative Process / Ex. 5

2. Is the EPA taking any action against any water utility for not doing this?

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

To: Helm, Erik[Helm.Erik@epa.gov]
Cc: Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]
From: Moriarty, Edward
Sent: Thur 1/28/2016 9:01:03 PM
Subject: RE: VM Message

Thank you Eric!

I will confirm whether or not we are pointing folks to CDC.

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

From: Helm, Erik
Sent: Thursday, January 28, 2016 2:18 PM
To: Moriarty, Edward
Cc: Kempic, Jeffrey
Subject: RE: VM Message

Ed,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

erik

Erik C. Helm, Ph.D.
Senior Economist
U.S. Environmental Protection Agency
OW, OGWDW, SRMD,
Targeting and Analysis Branch
Mailing Address:
Mailcode 4607M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
Physical Address (Package Delivery):
Room 2227N
1201 Constitution Avenue, N.W.
Washington, D.C. 20004
E-mail: Helm.Erik@epa.gov
Ph: 202-566-1049
Fax: 202-564-3760

From: Moriarty, Edward
Sent: Thursday, January 28, 2016 1:14 PM
To: Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Helm, Erik <Helm.Erik@epa.gov>
Subject: FW: VM Message

Afternoon Jeff and Erik,

Below are some questions from R5. I don't know if they are Flint or Sebring related but they asked for our assistance.

Deliberative Process / Ex. 5

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

From: Lopez-Carbo, Maria

Sent: Thursday, January 28, 2016 9:29 AM

To: Moriarty, Edward; Banks, Victoria; Viveiros, Edward

Cc: Kempic, Jeffrey

Subject: RE: VM Message

*This is meant to be a starting point, please use the language below to finalize responses.
Thanks.*

- Why was the AL set at 15 ppb?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

- Why did EPA set a TT and not an MCL?

Deliberative Process / Ex. 5

- Is lead treated as an acute contaminant?

Deliberative Process / Ex. 5

- Is there any newer health info for lead?

Deliberative Process / Ex. 5

From: Moriarty, Edward
Sent: Wednesday, January 27, 2016 2:51 PM
To: Bair, Rita <bair.rita@epa.gov>
Subject: VM Message

Hi Rita,

I saw that you called. I'm sitting on a call with R6.

Something I might be able to address via email?

Ed

Ed Moriarty - Team Lead

OGWDW - Protection Branch

1200 Constitution Ave., NW

Washington, DC 20460

202-564-3864

To: Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]; Viveiros, Edward[Viveiros.Edward@epa.gov]; Banks, Victoria[Banks.Victoria@epa.gov]
Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]; Burneson, Eric[Burneson.Eric@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 9:13:06 PM
Subject: Today's Summary of Media Inquires

Good evening team,

Thank you again for all the great answers today. Here is where we are. The (2) for the Free Press (red) are the only remaining ones due today.

For the remainder, other than #2 for Giz, they are all the same answer.

Please let me know if we can't get this today, at the latest tomorrow.

Detroit Free Press [Received 1/25] – PB pending OGC

Question: I found the LCR revisions and have a question about a line in here I'm hoping you can get me an answer to. In the recommendations from the working group, it says the EPA should "Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes". Can you point me to the language of that current rule regarding CCT and changes to source water or treatment? I've been looking around for some time but haven't been able to put my hands on such a rule.

Bloomberg [Received 1/26] – Guardian response

Question: I'm working on an editorial about the issues raised in Friday's story in the Guardian, and I'm hoping somebody can help me with the following: Is it accurate that the EPA allows cities and water agencies to ask residents to pre-flush their water before lead testing, along with similar techniques that result in lowering the amount of lead that appears in the tested water? If so, is there an explanation for why the EPA allows those practices to continue?

The Guardian [Received 1/26] – PB

Follow-up Question: Does the EPA still discourage water utilities from instructing people to pre-flush or flush taps or remove aerators prior to taking a sample? If so, why has the EPA not sought to ban these practices due to their influence on LCR tests?

Detroit Free Press [Received 1/27] – TAB and PB

Question: Reporters here and at other organizations (NYTimes, Washington Post) have noted 5 ppb lead as cause for concern in drinking water. I thought I saw somewhere buried in the EPA's SDWA a standard related 5 ppb and water testing. That is considered lead-free in PWSs. If not, do you have a number with the avg. nationwide, so folks can compare some of these lead levels?

Question: Other Orgs on lead and drinking water: The CDC notes there is no safe level of lead in drinking water. WHO maximum level of 10 ppb lead in drinking water. If you can help me identify the lower threshold in EPA guidance it would be greatly appreciated.

Gizmodo [Received 1/27] - TAB

Question: What is the EPA doing to address testing methods in cities that are being accused of practices that miss lead? (Guardian response?)

Question: Would the EPA consider requiring third-party testers which are not located in water districts?

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina

Sent: Thursday, January 28, 2016 9:58 AM

To: Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>

Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>

Subject: RE: Summary of Media Inquires

Never mind, I was confusing the 10am with the 4pm.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 9:55 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Summary of Media Inquires

Sounds good. I am at home today so, if you have a call in that would be great or I can be reached at (202) 566-1859.

Also, if there is a call in for the prep, I would appreciate listening in. But understand since it's with Joel if you want to avoid having a line.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Burneson, Eric
Sent: Thursday, January 28, 2016 9:49 AM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Summary of Media Inquires

Can we coordinate on this list after the briefing prep? I want to avoid two sets of staff working on the same responses independently.

From: Wadlington, Christina
Sent: Wednesday, January 27, 2016 9:46 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Summary of Media Inquires

I can't take credit. I just repurposed something from OW ☺

I am glad it's helpful. I will send these out every so often as inquiries pile up.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Lopez-Carbo, Maria
Sent: Wednesday, January 27, 2016 9:42 PM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>

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Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
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Since there a few out there, provided is a summary of pending Flint LCR inquiries and assignments.

Please let me know if I missed anything.

Thank you!

Detroit Free Press [Received 1/25] – PB pending OGC

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Question: What is the EPA doing to address testing methods in cities that are being accused of practices that miss lead? (Guardian response?)

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Email: wadlington.christina@epa.gov

To: Maria Lopez-Carbo (Lopez-Carbo.Maria@epa.gov)[Lopez-Carbo.Maria@epa.gov]
Sent: Thur 1/28/2016 9:25:53 PM
Subject: RE: Today's Summary of Media Inquires

Hi Maria,

Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

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Sent: Thursday, January 28, 2016 4:13 PM
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Cc: Bergman, Ronald; Burneson, Eric
Subject: Today's Summary of Media Inquires

Good evening team,

Thank you again for all the great answers today. Here is where we are. The (2) for the Free Press (red) are the only remaining ones due today.

For the remainder, other than #2 for Giz, they are all the same answer.

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Never mind, I was confusing the 10am with the 4pm.

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Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>

Subject: RE: Summary of Media Inquires

Sounds good. I am at home today so, if you have a call in that would be great or I can be reached at (202) 566-1859.

Also, if there is a call in for the prep, I would appreciate listening in. But understand since it's with Joel if you want to avoid having a line.

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U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

To: Kuefler, Janet[kuefler.janet@epa.gov]
From: Janczy, Joseph J - DNR
Sent: Thur 1/28/2016 9:33:19 PM
Subject: RE: Lead/Copper documents

Deliberative Process / Ex. 5

Joe

From: Kuefler, Janet [mailto:kuefler.janet@epa.gov]
Sent: Thursday, January 28, 2016 3:09 PM
To: Janczy, Joseph J - DNR
Subject: RE: Lead/Copper documents

Yes, I will get the names. Sorry, I am not opening messages in order.

Deliberative Process / Ex. 5

Janet Kuefler

Ground Water and Drinking Water Branch

State Programs Team Leader

United States Environmental Protection Agency, Region 5

77 West Jackson Blvd. (WG-15J)

Chicago, Illinois 60604

(312) 886-0123

kuefler.janet@epa.gov

From: Janczy, Joseph J - DNR [<mailto:Joseph.Janczy@wisconsin.gov>]
Sent: Thursday, January 28, 2016 2:34 PM
To: Kuefler, Janet <kuefler.janet@epa.gov>
Subject: RE: Lead/Copper documents

Deliberative Process / Ex. 5

From: Kuefler, Janet [<mailto:kuefler.janet@epa.gov>]
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Sent: Thursday, January 28, 2016 1:36 PM
To: Kuefler, Janet <kuefler.janet@epa.gov>
Subject: FW: Lead/Copper documents

Deliberative Process / Ex. 5

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From: Nelson, Mark A - DNR
Sent: Thursday, January 28, 2016 9:56 AM
To: Janczy, Joseph J - DNR
Cc: Elmore, Steve B - DNR
Subject: Lead/Copper documents

Hi Joe,

Here are examples of documents we send re: LCR requirements. Attached are examples of a letter notifying a system of an action level exceedance, public education documents, customer notice documents, corrosion control recommendation documents, and documentation of lead service line replacement programs.

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Mark A. Nelson
Water Supply Specialist – Bureau of Drinking Water and Groundwater
Wisconsin Department of Natural Resources
Phone: (608) 267-4230
Fax: (608) 267-7650
mark.nelson@wisconsin.gov



To: Crooks, Jennifer[crooks.jennifer@epa.gov]
Sent: Thur 1/28/2016 9:34:16 PM
Subject: FW: Review Protocol

Janet Kuefler

Ground Water and Drinking Water Branch

State Programs Team Leader

United States Environmental Protection Agency, Region 5

77 West Jackson Blvd. (WG-15J)

Chicago, Illinois 60604

(312) 886-0123

kuefler.janet@epa.gov

From: Deltoral, Miguel
Sent: Saturday, January 23, 2016 7:51 AM
To: Palagian, Evangelia <Palagian.Evangelia@epa.gov>
Cc: Kuefler, Janet <kuefler.janet@epa.gov>; Shoven, Heather <shoven.heather@epa.gov>; Porter, Andrea <porter.andrea@epa.gov>; Bosscher, Valerie <bosscher.valerie@epa.gov>
Subject: Re: Review Protocol

Hi Evangelia,

I will be out in Flint the week starting this Monday, but I am copying folks here who may be able to help on the overall DV. For the OCCT-specific issues, I will keep you posted on what we plan.

Miguel A. Del Toral

Regulations Manager
U.S. EPA R5 GWDWB
77 West Jackson Blvd, (WG-15J)
Chicago, IL 60604
Phone: (312) 886-5253

From: Palagian, Evangelia
Sent: Friday, January 22, 2016 08:19 AM
To: Deltoral, Miguel
Subject: Review Protocol

Hi Miguel.

In light of recent news, I have been thinking about you and I hope that you are managing well. I know that I am looking forward to learning from you about this experience. I hope for that opportunity, maybe at the next NDWAC.

Deliberative Process / Ex. 5

Best Regards,

Evangelia Palagian

USEPA Region 2

(212) 637-4246

To: Kuefler, Janet[kuefler.janet@epa.gov]
From: Janczy, Joseph J - DNR
Sent: Thur 1/28/2016 9:36:03 PM
Subject: RE: Lead/Copper documents

Deliberative Process / Ex. 5

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Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]
Sent: Thur 1/28/2016 9:41:04 PM
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To: Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>

Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>

Subject: RE: Summary of Media Inquires

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To: Dugan, Alison[Dugan.Alison@epa.gov]
Cc: Lieberman, Richard[Lieberman.Richard@epa.gov]
From: Carroll, Gregory
Sent: Thur 1/28/2016 9:46:32 PM
Subject: RE: Help from AWOP team Thursday morning

Belated thanks for drafting this. It was helpful to have.

From: Dugan, Alison
Sent: Thursday, January 28, 2016 8:40 AM
To: Carroll, Gregory <Carroll.Gregory@epa.gov>
Cc: Lieberman, Richard <Lieberman.Richard@epa.gov>
Subject: RE: Help from AWOP team Thursday morning

Actually I drafted something and ran it through Rick. It's attached – but probably too detailed.

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Sent: Thursday, January 28, 2016 8:37 AM
To: Dugan, Alison <Dugan.Alison@epa.gov>
Subject: FW: Help from AWOP team Thursday morning

Alison:

I'll give you a call shortly to discuss this proposed response to Peter.

Greg

DRAFT

Peter:

Deliberative Process / Ex. 5

From: Speth, Thomas
Sent: Thursday, January 28, 2016 7:07 AM
To: Grevatt, Peter <Grevatt.Peter@epa.gov>
Cc: Carroll, Gregory <Carroll.Gregory@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>
Subject: Re: Help from AWOP team Thursday morning

Deliberative Process / Ex. 5

Tom

Thomas F. Speth, Ph.D., P.E.

Senior Engineering Advisor

Standards & Risk Management Division

U.S. Environmental Protection Agency

26 W. Martin Luther King Dr.

Cincinnati, OH 45268

Phone: 513-569-7208

Cell: 513-658-1056

Fax: 513-487-2543

speth.thomas@epa.gov

Sent from my iPhone

On Jan 28, 2016, at 5:15 AM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

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To: Burneson, Eric[Burneson.Eric@epa.gov]
From: Kempic, Jeffrey
Sent: Thur 1/28/2016 9:47:32 PM
Subject: FW: Today's Summary of Media Inquires

Eric,

See below.

I will be in tomorrow – will switch my compressed day. Off to the Maryland/Iowa game tonight. You can call my cell if you need anything else on this response Personal Phone / Ex. 6

Jeff

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Deliberative Process / Ex. 5

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Our responses

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Question: I found the LCR revisions and have a question about a line in here I'm hoping you can get me an answer to. In the recommendations from the working group, it says the EPA should "Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes". Can you point me to the language of that current rule regarding CCT and changes to source water or treatment? I've been looking around for some time but haven't been able to put my hands on such a rule.

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and I'm hoping somebody can help me with the following: Is it accurate that the EPA allows cities and water agencies to ask residents to pre-flush their water before lead testing, along with similar techniques that result in lowering the amount of lead that appears in the tested water? If so, is there an explanation for why the EPA allows those practices to continue?

The Guardian [Received 1/26] – PB

Follow-up Question: Does the EPA still discourage water utilities from instructing people to pre-flush or flush taps or remove aerators prior to taking a sample? If so, why has the EPA not sought to ban these practices due to their influence on LCR tests?

CQ Roll Call [Received 1/27] – TAB

Question: Are you handling questions on the EPA timetable to make long-term revisions for the Lead and Copper Rule, and is the scope being adjusted in light of the Flint issues?

Question: Looking here: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions> I see that the working group appears to have completed its meetings and was to make recommendations to the National Drinking Water Advisory Council, which was then to make its own report to EPA.

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Question: What is the EPA doing to address testing methods in cities that are being accused of practices that miss lead? (Guardian response?)

Question: Would the EPA consider requiring third-party testers which are not located in water districts?

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

To: Burneson, Eric[Burneson.Eric@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]; Viveiros, Edward[Viveiros.Edward@epa.gov]; Banks, Victoria[Banks.Victoria@epa.gov]
Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]
From: Wadlington, Christina
Sent: Thur 1/28/2016 10:10:53 PM
Subject: RE: Today's Summary of Media Inquires

Thank you Eric.

DWPD anything to edit or add?

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Burneson, Eric
Sent: Thursday, January 28, 2016 4:57 PM
To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>
Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Today's Summary of Media Inquires

Our responses

Detroit Free Press [Received 1/27] – TAB and PB

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Deliberative Process / Ex. 5

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Deliberative Process / Ex. 5

From: Wadlington, Christina

Sent: Thursday, January 28, 2016 4:13 PM

To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Viveiros, Edward <Viveiros.Edward@epa.gov>; Banks, Victoria <Banks.Victoria@epa.gov>

Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>

Subject: Today's Summary of Media Inquires

Good evening team,

Thank you again for all the great answers today. Here is where we are. The (2) for the Free

Press (red) are the only remaining ones due today.

For the remainder, other than #2 for Giz, they are all the same answer.

Please let me know if we can't get this today, at the latest tomorrow.

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Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 9:58 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Summary of Media Inquires

Never mind, I was confusing the 10am with the 4pm.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Wadlington, Christina
Sent: Thursday, January 28, 2016 9:55 AM
To: Burneson, Eric <Burneson.Eric@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>
Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: RE: Summary of Media Inquires

Sounds good. I am at home today so, if you have a call in that would be great or I can be reached at (202) 566-1859.

Also, if there is a call in for the prep, I would appreciate listening in. But understand since it's with Joel if you want to avoid having a line.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Burneson, Eric

Sent: Thursday, January 28, 2016 9:49 AM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>

Cc: Bergman, Ronald <Bergman.Ronald@epa.gov>

Subject: RE: Summary of Media Inquires

Can we coordinate on this list after the briefing prep? I want to avoid two sets of staff working on the same responses independently.

From: Wadlington, Christina

Sent: Wednesday, January 27, 2016 9:46 PM

To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>

Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>

Subject: RE: Summary of Media Inquires

I can't take credit. I just repurposed something from OW ☺

I am glad it's helpful. I will send these out every so often as inquiries pile up.

Christina Wadlington

Communications Director

Office of Ground Water and Drinking Water

U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

From: Lopez-Carbo, Maria

Sent: Wednesday, January 27, 2016 9:42 PM

To: Wadlington, Christina <Wadlington.Christina@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>;
Christ, Lisa <Christ.Lisa@epa.gov>

Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>

Subject: RE: Summary of Media Inquires

Wow this is a great summary Christina.

I think we don't have any emergencies tomorrow so I'll start knocking these out tomorrow.

Thanks for putting it all together.

Maria

From: Wadlington, Christina
Sent: Wednesday, January 27, 2016 9:36 PM
To: Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>; Christ, Lisa <Christ.Lisa@epa.gov>
Cc: Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>
Subject: Summary of Media Inquires

Since there a few out there, provided is a summary of pending Flint LCR inquiries and assignments.

Please let me know if I missed anything.

Thank you!

Detroit Free Press [Received 1/25] – PB pending OGC

Question: I found the LCR revisions and have a question about a line in here I'm hoping you can get me an answer to. In the recommendations from the working group, it says the EPA should "Strengthen corrosion control treatment (CCT), retaining the current rule requirements to re-assess CCT if changes to source water or treatment are planned, adding a requirement to review updates to EPA guidance to determine if new scientific information warrants changes". Can you point me to the language of that current rule regarding CCT and changes to source water or treatment? I've been looking around for some time but haven't been able to put my hands on such a rule.

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U.S. Environmental Protection Agency

Tel: 202.566.1859

Email: wadlington.christina@epa.gov

To: Bissonette, Eric[Bissonette.Eric@epa.gov]
Cc: Kempic, Jeffrey[Kempic.Jeffrey@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]
From: Burneson, Eric
Sent: Thur 1/28/2016 10:11:34 PM
Subject: RE: OGC is beginning to compile a list of EPA individuals that have any emails related to Flint, MI from Feb 2, 2013 until now. So.....

Eric:

I think at a minimum we have to include Lisa Christ.

Also did OGC specify a time frame of involvement (i.e., are they only interested in emails before the task force started, or before the Emergency Declaration?)

Deliberative Process / Ex. 5

From: Bissonette, Eric
Sent: Thursday, January 28, 2016 5:06 PM
To: Bissonette, Eric <Bissonette.Eric@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Clark, Becki <Clark.Beki@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Thompkins, Anita <Thompkins.Anita@epa.gov>; Corr, Elizabeth <Corr.Elizabeth@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>; Chamberlain, Nick <Chamberlain.Nick@epa.gov>; Anderer, Kirsten <Anderer.Kirsten@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Oshida, Phil <Oshida.Phil@epa.gov>; Kempic, Jeffrey <Kempic.Jeffrey@epa.gov>; Carroll, Gregory <Carroll.Gregory@epa.gov>; Hautman, Dan <Hautman.Dan@epa.gov>; Greene, Ashley <Greene.Ashley@epa.gov>; Cooper, Tiffany <Cooper.Tiffany@epa.gov>; Speth, Thomas <Speth.Thomas@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Albert, Ryan <Albert.Ryan@epa.gov>; Huff, Lisa <Huff.Lisa@epa.gov>
Subject: OGC is beginning to compile a list of EPA individuals that have any emails related to Flint, MI from Feb 2, 2013 until now. So.....

As part of this list of individuals OGC would like us to identify “key custodians” or folks that have significant correspondence (by content & volume) in **OGWDW**, please add to this list that

I started individuals that you believe have any correspondence related to Flint during the period in question (or suggest moving between categories). I have to submit what we have tomorrow morning (although I told OGC that we may have a few stragglers).

Key Custodians

Kiri Anderer

Ron Bergman

Eric Bissonette

Eric Burneson

Gregory Carroll

Nick Chamberlain

Becki Clark

Tiffany Cooper

Elizabeth Corr

Ashley Greene

Peter Grevatt

Jeff Kempic

Maria Lopez Carbo

Phil Oshida

Tom Speth

Kevin Tingley

David Travers

Christina Maria Wadlington

Custodians

Matt Alexander

Victoria Banks

Ed Moriarty

Russ Perkinson

Ellen Tarquinio

Anita Thompkins

Rosemary Workman

Eric M. Bissonette

Chief of Staff

Office of Ground Water and Drinking Water

US Environmental Protection Agency

Washington, DC 20460

202 564-2147

To: Burneson, Eric[Burneson.Eric@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]
From: Lopez-Carbo, Maria
Sent: Thur 1/28/2016 10:23:52 PM
Subject: Written Testimony - Restrospective

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Maria A. Lopez Carbo

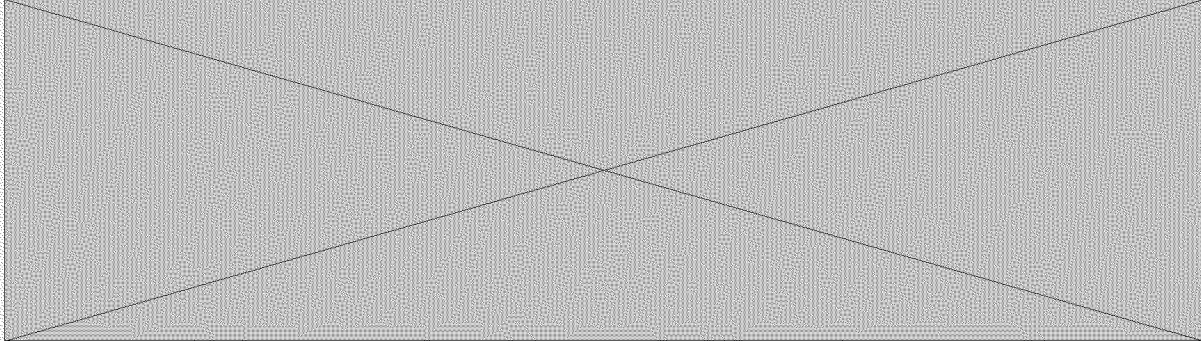
Branch Chief – Protection Branch

Drinking Water Protection Division

Office of Ground Water & Drinking Water

202-564-4618

To: Durno, Mark[durno.mark@epa.gov]
From: Governor's Office
Sent: Thur 1/28/2016 11:01:45 PM
Subject: Thursday, Jan. 28 update from the Flint Water Response Team



This daily update is being issued in order to provide the latest information regarding actions and available resources.

Today, the Michigan House and Senate passed Governor Rick Snyder's \$28 million request for additional recovery resources for Flint. But the Governor noted that this supplemental funding is just one part of the solution for healing the city. The immediate needs will be met, but so will the long-term needs of residents.

The \$28 million will be used to help Flint's utilities, treat children with high blood lead levels, add nurses to schools, and replace plumbing fixtures in schools, child care centers, foster care, and nursing homes. [Click here to learn about the details in the supplemental budget.](#)

Governor Snyder intends to sign the legislation tomorrow and you can watch the bill signing here: www.mi.gov/SnyderLive

The Governor also issued a proclamation today calling for an extension to the emergency declaration in the city of Flint and Genesee County. While the emergency response has been critically important in Flint's recovery efforts, there is still much more work to be done.

Since January 9, our water resource teams have been delivering critical clean water resources:

- 196,456 cases of bottled water
- 95,417 filters
- 30,255 water testing kits

REMINDERS

- For Flint water assistance: Dial 211 or visit www.mi.gov/FlintWater
- To donate or volunteer: visit www.HelpForFlint.com
- Residents should install filters to their taps to ensure they have immediate and ongoing access to safe water. Only run cold water through the water filter and use filtered water for drinking and

cooking. Monitor the cartridge on the filter and replace as needed.

WATER RESOURCE LOCATIONS

These sites are open seven days a week from 9 a.m. to 9 p.m. with the following resources:

- Bottled water
- Water filters
- Replacement cartridges for water filters
- Water testing kits pick-up
- Drop-off location for water testing kits

Fire Station #1
310 East 5th St.
Flint, MI 48502

Fire Station #3
1525 Martin Luther King Ave.
Flint, MI 48503

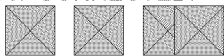
Fire Station #5
3402 Western Rd.
Flint, MI 48506

Fire Station #6
716 West Pierson Rd.
Flint, MI 48505

Fire Station #8
202 East Atherton Rd.
Flint, MI 48507

We will continue to work to improve the water situation in Flint. Community members and local officials are working together to make sure we hear and respond to concerns. Governor Snyder will continue to keep you updated on the latest news and information. **If you don't find the resources you need by dialing 211 please call the Governor's office directly at 517-335-7858.**

STAY CONNECTED:



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This email was sent to durno.mark@epa.gov on behalf of: The Executive Office of the Governor · 111 South Capitol Avenue · Lansing, MI 48909 · 517-335-7858

To: Burneson, Eric[Burneson.Eric@epa.gov]
From: Bergman, Ronald
Sent: Thur 1/28/2016 11:12:58 PM
Subject: RE: lead and LCR

Sorry – once again you are a faster typist than I am.

I can give more detail in the morning.

From: Burneson, Eric
Sent: Thursday, January 28, 2016 6:10 PM
To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Subject: RE: lead and LCR

Deliberative Process / Ex. 5

From: Beauvais, Joel
Sent: Thursday, January 28, 2016 4:42 PM
To: Loop, Travis <Loop.Travis@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Subject: RE: lead and LCR

Deliberative Process / Ex. 5

Travis, what is our deadline on this?

Joel

From: Loop, Travis

Sent: Thursday, January 28, 2016 4:31 PM

To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>

Subject: lead and LCR

STATEMENT: LEAD IN DRINKING WATER AND LEAD AND COPPER RULE

Protecting children from exposure to lead is a top priority for EPA. Historically, lead was widely used in plumbing materials in the United States. EPA established the Lead and Copper Rule in order to prevent exposure to lead through drinking water. The rule requires that water systems treat drinking water to prevent corrosion of lead from lead service lines and leaded plumbing materials that may be in the buildings they serve. EPA requires water systems to take tap samples from homes that their systems serve that are likely to have lead in service lines and residential plumbing materials. EPA developed a lead action level for drinking water of 15 parts per billion, based on an evaluation of the feasible level of lead in drinking water in homes with leaded plumbing materials that receive non-corrosive water. If 10 percent of the tap samples collected in accordance with the Lead and Copper Rule exceed the action level of 15 ppb, then water systems must take additional steps such as public education and lead service line replacement to reduce drinking water lead exposure. Nationally, 96 percent of the 68,000 water systems required to comply with the Lead and Copper Rule have not reported an action level exceedance in the last 3 years.

EPA is committed to improving the public health protection provided by the Lead and Copper Rule and is actively considering potential revisions to the rule. EPA's primary goal is to improve the effectiveness of the Lead and Copper rule in reducing exposure to lead and copper from drinking water.

To help shape an updated Lead and Copper Rule, EPA has engaged with multiple stakeholders representing a wide range of expertise. In December 2015, the agency received extensive recommendations from its National Drinking Water Advisory Council and other concerned citizen groups. EPA will carefully evaluate these recommendations, national experience in implementing the rule, and the experience in Flint to develop a proposed revision to the rule. EPA currently expects this proposal to be published for comment in 2017. But even as the agency considers revisions, it will continue to engage with state and water systems on potential nearer-term steps that could strengthen implementation of the existing rule.

Read more at: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions> and <http://www.epa.gov/ndwac/letters-recommendations-epa-administrator-ndwac>

Data on Lead and Copper Rule:

- **Monitoring and Reporting Violations:** In FY2015, there were a total of 13,323 violations with a total of 8,378 public water systems that received a monitoring and reporting violation. A monitoring and reporting violation is assigned when a public water system does not collect a required sample or does not submit the results of the sample collected to the State primacy agency. Monitoring and reporting violations increased from 7,622 in 2010 to 8,378 in 2015.
- **Treatment Technique Violations:** A total of 434 public water systems, serving a total of 621,036 people, had a Treatment Technique violation in FY 2015. Only 28 of these public water systems served populations above 3,300. Treatment technique violations are assigned when a public water system does not complete an enforceable procedure or level of technological performance as describe in the regulation to ensure control of a contaminant. Treatment technique violations decreased from 1,046 in 2010 to 434 in 2015.

Travis Loop

Director of Communications
Office of Water

U.S. Environmental Protection Agency

202-870-6922

loop.travis@epa.gov

To: Burneson, Eric[Burneson.Eric@epa.gov]
From: Bergman.Ronald@epa.gov
Sent: Thur 1/28/2016 11:48:47 PM
Subject: Re: lead and LCR

I can bring more info tomorrow. The highest value for the large systems is 28 ppb, in Jackson, MS

Sent from my iPhone

On Jan 28, 2016, at 6:10 PM, Burneson, Eric <Burneson.Eric@epa.gov> wrote:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Would it be too late if we bring this to the LCR implementation discussion tomorrow?

Deliberative Process / Ex. 5

From: Beauvais, Joel
Sent: Thursday, January 28, 2016 4:42 PM
To: Loop, Travis <Loop.Travis@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
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Subject: lead and LCR

STATEMENT: LEAD IN DRINKING WATER AND LEAD AND COPPER RULE

Protecting children from exposure to lead is a top priority for EPA. Historically, lead was widely used in plumbing materials in the United States. EPA established the Lead and Copper Rule in order to prevent exposure to lead through drinking water. The rule requires that water systems treat drinking water to prevent corrosion of lead from lead service lines and leaded plumbing materials that may be in the buildings they serve. EPA requires water systems to take tap samples from homes that their systems serve that are likely to have lead in service lines and residential plumbing materials. EPA developed a lead action level for drinking water of 15 parts per billion, based on an evaluation of the feasible level of lead in drinking water in homes with leaded plumbing materials that receive non-corrosive water. If 10 percent of the tap samples collected in accordance with the Lead and Copper Rule exceed the action level of 15 ppb, then water systems must take additional steps such as public education and lead service line replacement to reduce drinking water lead exposure. Nationally, 96 percent of the 68,000 water systems required to comply with the Lead and Copper Rule have not reported an action level exceedance in the last 3 years.

EPA is committed to improving the public health protection provided by the Lead and Copper Rule and is actively considering potential revisions to the rule. EPA's primary goal is to improve the effectiveness of the Lead and Copper rule in reducing exposure to lead and copper from drinking water.

To help shape an updated Lead and Copper Rule, EPA has engaged with multiple stakeholders representing a wide range of expertise. In December 2015, the agency received extensive recommendations from its National Drinking Water Advisory Council and other concerned citizen groups. EPA will carefully evaluate these recommendations, national experience in implementing the rule, and the experience in Flint to develop a proposed revision to the rule.

EPA currently expects this proposal to be published for comment in 2017. But even as the agency considers revisions, it will continue to engage with state and water systems on potential nearer-term steps that could strengthen implementation of the existing rule.

Read more at: <http://www.epa.gov/dwstandardsregulations/lead-and-copper-rule-long-term-revisions> and <http://www.epa.gov/ndwac/letters-recommendations-epa-administrator-ndwac>

Data on Lead and Copper Rule:

- ☐ ☐ ☐ ☐ ☐ ☐ Monitoring and Reporting Violations: In FY2015, there were a total of 13,323 violations with a total of 8,378 public water systems that received a monitoring and reporting violation. A monitoring and reporting violation is assigned when a public water system does not collect a required sample or does not submit the results of the sample collected to the State primacy agency. Monitoring and reporting violations increased from 7,622 in 2010 to 8,378 in 2015.
- ☐ ☐ ☐ ☐ ☐ ☐ Treatment Technique Violations: A total of 434 public water systems, serving a total of 621,036 people, had a Treatment Technique violation in FY 2015. Only 28 of these public water systems served populations above 3,300. Treatment technique violations are assigned when a public water system does not complete an enforceable procedure or level of technological performance as describe in the regulation to ensure control of a contaminant. Treatment technique violations decreased from 1,046 in 2010 to 434 in 2015.

Travis Loop

Director of Communications
Office of Water

U.S. Environmental Protection Agency

202-870-6922

loop.travis@epa.gov

Sent: Fri 1/29/2016 12:41:02 AM

Thomas,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Should there be any questions on the comments, please feel free to contact me and I can direct you to the appropriate staff.

Tim Henry
Deputy Director, Water Division
U.S. EPA (W-15J)
77 W. Jackson Blvd., Chicago, IL 60604-3590
Phone: 312.886.6107 Fax: 312.692.2578

To: Burneson, Eric[Burneson.Eric@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]; Greene, Ashley[Greene.Ashley@epa.gov]; Wadlington, Christina[Wadlington.Christina@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]
From: Grevatt, Peter@epa.gov
Sent: Fri 1/29/2016 12:47:19 AM
Subject: Re: lead and LCR

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 28, 2016, at 6:10 PM, Burneson, Eric <Burneson.Eric@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Beauvais, Joel
Sent: Thursday, January 28, 2016 4:42 PM
To: Loop, Travis <Loop.Travis@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Subject: RE: lead and LCR

Deliberative Process / Ex. 5

Travis, what is our deadline on this?

Joel

From: Loop, Travis
Sent: Thursday, January 28, 2016 4:31 PM
To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Subject: lead and LCR

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Travis Loop

Director of Communications
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202-870-6922

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To: Burneson, Eric[Burneson.Eric@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]; Greene, Ashley[Greene.Ashley@epa.gov]; Wadlington, Christina[Wadlington.Christina@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]
From: Grevatt, Peter
Sent: Fri 1/29/2016 12:47:22 AM
Subject: Re: lead and LCR

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 28, 2016, at 6:10 PM, Burneson, Eric <Burneson.Eric@epa.gov> wrote:

Deliberative Process / Ex. 5

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Sent: Thursday, January 28, 2016 4:42 PM
To: Loop, Travis <Loop.Travis@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Subject: RE: lead and LCR

Deliberative Process / Ex. 5

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Joel

From: Loop, Travis

Sent: Thursday, January 28, 2016 4:31 PM

To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>

Subject: lead and LCR

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Travis Loop

Director of Communications
Office of Water

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202-870-6922

loop.travis@epa.gov

To: Grevatt, Peter[Grevatt.Peter@epa.gov]
Cc: Bergman, Ronald[Bergman.Ronald@epa.gov]; Greene, Ashley[Greene.Ashley@epa.gov]; Wadlington, Christina[Wadlington.Christina@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]
From: Burneson, Eric@epa.gov
Sent: Fri 1/29/2016 1:01:04 AM
Subject: Re: lead and LCR

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 28, 2016, at 7:47 PM, Grevatt, Peter <Grevatt.Peter@epa.gov> wrote:

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 28, 2016, at 6:10 PM, Burneson, Eric <Burneson.Eric@epa.gov> wrote:

Deliberative Process / Ex. 5

From: Beauvais, Joel
Sent: Thursday, January 28, 2016 4:42 PM
To: Loop, Travis <Loop.Travis@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>
Cc: Grevatt, Peter <Grevatt.Peter@epa.gov>; Burneson, Eric <Burneson.Eric@epa.gov>; Bergman, Ronald <Bergman.Ronald@epa.gov>; Lopez-Carbo, Maria <Lopez-Carbo.Maria@epa.gov>
Subject: RE: lead and LCR

OGWDW friends - I appreciate that a lot of work has gone into this and you have 1000

things on your plate right now, but I'm not clear on what we're saying about the

Deliberative Process / Ex. 5

Travis, what is our deadline on this?

Joel

From: Loop, Travis

Sent: Thursday, January 28, 2016 4:31 PM

To: Beauvais, Joel <Beauvais.Joel@epa.gov>; Lee, Monica <Lee.Monica@epa.gov>

Subject: lead and LCR

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Travis Loop

Director of Communications
Office of Water

U.S. Environmental Protection Agency

202-870-6922

loop.travis@epa.gov

To: Burneson, Eric[Burneson.Eric@epa.gov]
Cc: Travers, David[Travers.David@epa.gov]; Carroll, Gregory[Carroll.Gregory@epa.gov]; Speth, Thomas[Speth.Thomas@epa.gov]; Bissonette, Eric[Bissonette.Eric@epa.gov]
From: Grevatt.Peter@epa.gov
Sent: Fri 1/29/2016 3:53:06 AM
Subject: Re: Technical and Managerial Capacity of Operations

Deliberative Process / Ex. 5

Sent from my iPhone

On Jan 27, 2016, at 8:08 PM, Burneson, Eric <Burneson.Eric@epa.gov> wrote:

Peter:

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please feel contact me if you have any questions about the above approach.

Eric Burneson, P.E.

Director of Standards and Risk Management

Office of Ground Water and Drinking Water

US Environmental Protection Agency

Phone: 202-564-5250

Fax: 202 564 3760

<guidfin.pdf>

To: Grevatt, Peter[Grevatt.Peter@epa.gov]; Clark, Becki[Clark.Beki@epa.gov]; Burneson, Eric[Burneson.Eric@epa.gov]; Thompkins, Anita[Thompkins.Anita@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]; Oshida, Phil[Oshida.Phil@epa.gov]; Christ, Lisa[Christ.Lisa@epa.gov]; Huff, Lisa[Huff.Lisa@epa.gov]; Hernandez-Quinones, Samuel[Hernandez.Samuel@epa.gov]; Greene, Ashley[Greene.Ashley@epa.gov]; Wadlington, Christina[Wadlington.Christina@epa.gov]
From: Flaharty, Stephanie
Sent: Fri 1/29/2016 11:34:14 AM
Subject: Inside EPA: Groups Cite Flint Crisis In Arguments To OMB Over EPA Radiological Guide

Groups Cite Flint Crisis In Arguments To OMB Over EPA Radiological Guide

January 28, 2016

Environmental groups are citing the controversy and public uproar over EPA's handling of the Flint, MI, drinking water crisis as they urge the White House to block a pending EPA drinking water guide for radiological incidents.

A host of environmental and nuclear watchdog groups made the comparison in a Jan. 27 meeting at the White House Office of Management & Budget (OMB), where they outlined their concerns over proposed drinking water amendments to EPA's Protective Action Guide (PAG) for Radiological Incidents, an environmentalist says. The proposed guide is undergoing interagency review coordinated by OMB.

While the groups have not seen the draft guide, they are concerned about the proposal based on past draft updates and proposals that would have permitted a marked increase in the allowable level of radioactive contaminants in drinking water.

EPA in 2013 issued a draft update to an earlier radiological PAG, and specifically sought comment on whether it should develop a short-term drinking water PAG. The controversial 2013 PAG manual makes several changes from the 1992 version, including applying the manual to incidents other than just nuclear power plant accidents and incorporating Department of Homeland Security cleanup guidance for improvised nuclear devices. But EPA at the time deferred including drinking water levels.

"We presume that that is what EPA has now transmitted to OMB for approval. This could result in the public being forced to consume water with concentrations of radionuclides hundreds or even thousands of times higher than considered acceptable under the Safe Drinking Water Act," the groups say in a Dec. 22 letter to OMB.

At the Jan. 27 meeting, the groups "stressed the public outcry that would occur

were they to propose, in essence, that people in Flint, Michigan, or anywhere else, be permitted to be exposed to contaminants at levels hundreds of times higher than Safe Drinking Water Act [SDWA] limits if it were radionuclides like plutonium, strontium-90, or cesium-137, instead of non-radioactive lead,” one environmentalist source says in an email response to questions.

In Flint, there has been public outcry over decisions made by Michigan officials to switch Flint’s water supply source in 2014 from the Detroit water system to the Flint River, which resulted in a doubling of lead poisoning in infants and children. The city has since switched back to Detroit’s water, but high lead levels remain. EPA has also been criticized for its slowness in responding to the crisis, with the EPA Region 5 administrator resigning earlier this month after hesitating to take action earlier to address the crisis. Additionally, EPA’s Inspector General is investigating the agency’s response and oversight to the crisis, and environmental groups have filed a SDWA suit against city and state officials.

The source says if the administration were to propose allowing radioactive contaminants in drinking water to reach levels hundreds of times the SDWA limits and still take no protective action, “it would produce a firestorm of controversy.” The source says the groups stressed to OMB the public backlash that would occur. The groups presented previous letters of concern over proposed revisions to the PAG, and detailed charts showing how much those proposed revisions would exceed SDWA levels.

New Funding

Meanwhile, several Democratic senators announced Jan. 28 they are proposing an amendment to S. 2012, the bipartisan Senate energy policy bill now on the Senate floor, that would address the Flint drinking water crisis through federal legislation. Michigan Sens. Debbie Stabenow (D) and Gary Peters (D) are leading the effort.

The four-part amendment would provide up to \$400 million in new federal funding to be used to replace or fix lead-contaminated water pipes in Flint, requiring the state of Michigan to provide matching funds.

It would also require EPA to “directly notify the public if there is a danger from lead in their water system, if the State refuses to do so,” the Michigan lawmakers say in a Jan. 28 press release. EPA believed there was ambiguity in the law as to whether it could publicly release information about Michigan’s failure to put proper chemicals into Flint’s water to bind the metals, Peters said Jan. 28 during a Senate radio press conference. Peters said the legislation would clarify this, requiring EPA, if it finds out such information, to publicly disclose it within 15

days. The amendment would also use money from the drinking water state revolving loan fund (DWSRF) to forgive Flint's outstanding DWSRF loans prior to this year, and it would establish new federal funding, in the amount of \$200 million over 10 years, to go to a center in Flint to provide services to those exposed to lead poisoning, according to the senators.

Stabenow during the press conference said she has spoken to Sen. Lisa Murkowski (R-AK), chair of the Natural Resources Committee and S. 2012 lead sponsor, about the amendment, and is "appreciative of her interest." -- *Suzanne Yohannan* (syohannan@iwpnews.com)

To: Tracy Mehan[mehan321@verizon.net]
From: Tracy Mehan
Sent: Fri 1/29/2016 12:24:35 PM
Subject: from The Wall Street Journal

- [U.S.](#)

U.S. Cities Scrutinize Water Systems in Wake of Flint

Cincinnati, Pittsburgh and other municipalities take a hard look at what they can do to prevent lead contamination



People in Indianapolis on Wednesday carrying cases of donated water to be sent to Flint, Mich., where drinking water has been contaminated by lead. PHOTO: DARRON CUMMINGS/ASSOCIATED PRESS

By
... and

Jan. 28, 2016 3:20 p.m. ET

11 COMMENTS

Officials in Cincinnati, Pittsburgh and other U.S. cities are taking steps to more closely examine potential risks to their water systems, citing the recent lead contamination of public drinking water in Flint, Mich.

Some cities are raising the costly prospect—put off for decades—of digging up and removing miles of lead service lines that run from main water lines to millions of homes and businesses across the country. Utilities will have to pay some of the costs and property owners will have to pick up the rest.

Cincinnati officials have begun looking into the feasibility of replacing possibly as many as 16,500 service lines that might have lead, said Stephanni Cohen, spokeswoman for the Greater Cincinnati Water Works, which serves 250,000 homes and businesses. A major issue will be the cost, which water officials estimate at about \$5,000 per lead service line, she said.

RELATED

- [Flint Crisis Shines Light on Lead Pipes Across U.S.](#)
- [Michigan Senate Approves \\$28 Million for Flint](#)
- [Series of Mistakes Tainted Flint Water](#)

“Every water utility in the United States would love [full replacement of lead lines], but we understand reality, too,” she said. “If it were that easy, it would be done.”

Cincinnati banned the use of lead pipes in 1927 and has long treated its water to reduce corrosion, but officials’ hope was to eventually get rid of the lead. Still, like in a lot of older industrial municipalities, lead pipes remain throughout the city. “It’s a complex conversation and we’re glad it’s on the table again,” Ms. Cohen said. “Truly, that conversation is just starting to happen right now.”

Other officials are reviewing safety procedures or ensuring their water is safe. Water officials in Pittsburgh say the Flint crisis contributed to their decision this month to change the chemical used to prevent corrosion of lead pipes.

The Pittsburgh Water and Sewer Authority, which provides water to about two-thirds of city residents as well as suburban customers, switched from caustic soda to soda ash to help coat pipes and prevent lead from leaching into drinking water.

“What’s happened in Flint has given us pause and greater awareness to optimize water quality,” said Brendan Schubert, a spokesman for the authority, which uses water from the Allegheny River.

He said the authority, which has about 300,000 customers, had already been reviewing the change and will assess the new chemical's effectiveness. The authority plans to conduct water testing for lead this summer.

The most recent tests in 2013 found the lead level in the utility's system to be 14.7 parts per billion, close to the 15-parts-per-billion level at which the Environmental Protection Agency requires a number of steps to inform the public and lower lead levels, including removing lead service lines.

At the Minnesota Department of Health, engineers have taken Flint as "a wake-up call," said Stew Thornley, health educator with the department. "When something like this happens, you look closer," he said.

Some officials see what happened in Flint as an aberration, brought about by bad decisions, such as not properly treating water from the Flint River, which is highly corrosive and ate away at the protective lining inside lead pipes.

Patrick Becher, executive director of the Mohawk Valley Water Authority, which serves about 130,000 people in and around Utica, N.Y., said he plans to do nothing beyond what he is already doing to ensure the lead levels in the water are low. The system has about 2,400 lead service lines, which slowly are being replaced as crews find them on other projects, he said. Anticorrosion treatments keep lead levels low without replacement, he said.

"It really solves the problem right to the sink," he said.

Other larger utilities have embarked on major programs to replace lead lines long before the Flint debacle.

Washington, D.C., has been replacing lead lines since 2003. The replacement was mandated after testing revealed high lead levels. From June 2002 to December 2004, more than 10% of household samples were found to have lead concentrations above 15 parts per billion, the EPA's action level for lead in drinking water.

The problem was sparked by a change in the disinfectant used at the treatment facility. In 2004, the Washington Aqueduct, which is owned and operated by the Army Corps of Engineers, began adding orthophosphate to inhibit corrosion of lead pipes.

The District of Columbia Water and Sewer Authority, which is the biggest wholesale customer of the Washington Aqueduct and is responsible for water quality once it leaves the treatment facility, was required by the EPA to increase water quality monitoring and replace lead service lines, among other things.

Since 2003, the authority, known as DC Water, has replaced 19,895 lead service lines on public property, representing more than 117 miles of pipe. There are over 125,000 service lines in the distribution system. In September 2015, the authority reported to the

EPA that it had 12,540 lead service lines that ran up to private property lines. It estimates that it doesn't know the material of 16,910 service lines.

DC Water says it has remained in compliance for lead levels, but George S. Hawkins, its chief executive, said he still reports those levels to the authority's board monthly. "It's a big program for us because it really hit us hard in the early 2000s," Mr. Hawkins said. "I can only tell you today we do not like having lead in the system anywhere."

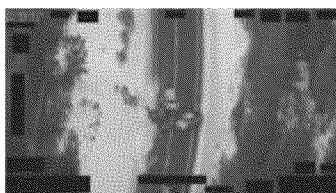
Many lead service lines run to older homes. Many property owners, who are often legally responsible for part of the line, can't afford to spend thousands of dollars to make the fix, said Jeff Swertfeger, superintendent of the water quality and treatment division for the Greater Cincinnati Water Works.

Mr. Swertfeger said a federal or state program, providing aid or loans for the repairs, would be a big help, and the tragedy of Flint could provide an impetus for such a program: "Sometimes it takes a disaster to solve a problem."

State and federal aid already is flowing to Flint. On Thursday, the Michigan Senate unanimously approved \$28 million in funding for a variety of aid to Flint residents, a plan that Gov. Rick Snyder called for last week in his state of the state address to lawmakers. The funding includes \$3.8 million to treat children with high blood levels, \$3 million to help cover unpaid utility bills and \$2 million for work being done by the National Guard to distribute bottled water and filters to residents.

Write to Cameron McWhirter at cameron.mcwhirter@wsj.com and Kris Maher at kris.maher@wsj.com

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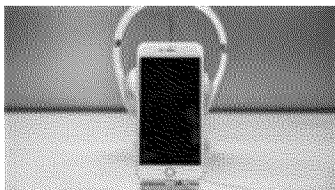
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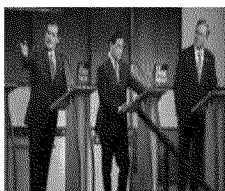


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Opinion: Socialism Gets a Second Life



Opinion: Hillary's Vast Inspector-General Conspiracy



Mattel's Barbie Bombshell: Three New Body Types

You're commenting as Tracy Mehan.

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Citizen name / Ex. 6

My thoughts exactly, Benjamin. The Fed and Congress injected trillions into banks and Wall Street, but the stimuli largely benefited those who are at the top of the income scales. Corporations now have nearly \$2 trillion stashed away while unemployment counting discouraged and workers in retraining remain near 8%.

Trickle down fiscal and monetary policies do not work.

We can do better by spending on infrastructure projects that use American parts and labor, and deliver real benefits to our economy. Start scrutinizing dead-end research grants that only look good on paper, and end inversion tax breaks for companies who relocate overseas.

To: Grevatt, Peter[Grevatt.Peter@epa.gov]
From: Morning Consult
Sent: Fri 1/29/2016 12:33:44 PM
Subject: Morning Consult Energy: Michigan Lawmakers Eye Energy Bill to Help Flint; Gas Industry Supports Energy Bill

By [Asha Glover](#)

Today's Washington Brief

- Michigan lawmakers announced a Flint water crisis rider for the energy bill that hit the Senate floor on Thursday. Sens. Debbie Stabenow (D-Mich.) and Gary Peters (D-Mich.), along with Rep. Dan Kildee (D-Mich.) are calling for \$600 million to help local residents and officials respond to the crisis, and for requiring the Environmental Protection Agency to notify residents of unsafe lead levels in water if state authorities do not. ([Morning Consult](#))
- Senators on both sides of the aisle have begun to file amendments to the bipartisan energy bill on the Senate floor. In the first rounds of votes Thursday, the Senate adopted three amendments, including one to require the Government Accountability Office to conduct a review and submit a report on energy production and the effects of crude oil exports. ([E&E](#))
- Coal-fired plants generated their lowest level of U.S. electricity since 1970, in November. The amount of electricity generated using coal slid to 29 percent in November, down from nearly 35 percent in July and 39 percent for all of 2014, according the U.S. Energy Information Administration. ([Climate Central](#))

Today's Business Brief

- American Petroleum Institute President Jack Gerard said his group “strongly supports” a bipartisan wide-ranging energy bill. In a letter sent to Senate Majority Leader Mitch McConnell (R-Ky.), Gerard praised the natural gas export aspects of the bill on the Senate floor. ([The Houston Chronicle](#))
- Volkswagen may buy back diesel cars because it may not have the technology to make them compliant with air quality rules fast enough, according to a lawyer for the German automaker. Volkswagen is also still in talks federal and California regulators to figure out a way to reduce emissions in vehicles. ([The New York Times](#))
- The solar industry finally got a win on Thursday when the California Public Utilities Commission voted to keep the net-metering system that compensates consumers for selling extra electricity generated by solar panels back to the grid intact and with only

minor changes. Though the vote was close, this is a major victory for the solar industry, which met resistance with Nevada's PUC in recent months, causing two major solar companies to leave the state. ([San Francisco Chronicle](#))

Today's Chart Review

Who Owns the Sun?
Bloomberg News

Mark Your Calendars (All Times Eastern)

Friday

The Battery Energy Storage Caucus and the Renewable Energy and Energy Efficiency Caucus holds a briefing on battery energy storage @ 1 p.m.

General

Michigan Members Push Senate for Help on Flint Water Crisis
Jack Fitzpatrick, Morning Consult

Michigan lawmakers are calling for \$600 million to respond to Flint's water crisis, announcing an amendment Thursday on a major energy bill that already faces amendments on several hot-button issues. Flint residents have seen an alarmingly high level of lead in their blood since the city switched its water source in 2014.

Old and New Fights Emerge on Senate Floor
Geof Koss and Hannah Hess, E&E

Senators from both parties are planning a slew of amendments to the chamber's bipartisan energy bill reflecting both recurring fights over administration policies as well as new battles over recent developments in the energy arena. At noon, lawmakers are set to cast the first of two votes on amendments scheduled last night.

Volkswagen May Buy Back Diesel Cars It Can't Fix
Jack Ewing, The New York Times

Volkswagen may buy back some diesel cars in the United States if it cannot make them compliant with air quality rules fast enough, a lawyer for the company says. The statement, made during a court hearing by Robert Giuffra, a lawyer defending Volkswagen against class-action suits by owners of tainted diesel vehicles, was the clearest indication yet that the company, which is based in Wolfsburg, Germany, may not have the technology to bring emissions for some of the cars into line with

regulations without hurting performance and fuel economy.

Why Conservative South Carolina Could Actually Be a Sign of the Future of U.S. Energy

Chelsea Harvey, The Washington Post

Coastal South Carolina has long been recognized by locals and tourists alike for its warm waters, dazzling natural landscapes and prime seafood cuisine. But lately, communities up and down the shoreline have been making a name for themselves in another way: They're leading the historically conservative state in a shift toward support for alternative energy and away from fossil fuel energy development.

Hoeven Files Three Energy Amendments

Asha Glover, Morning Consult

Sen. John Hoeven (R-N.D.) filed three amendments for S. 2012, the comprehensive energy bill on the Senate floor. The amendments are based off measures previously introduced by Hoeven.

Nevada Governor Seeks Change in Sage Grouse Mining Rule

Scott Sonner, The Associated Press

The governor of gold-rich Nevada is pressing the Obama administration to alter its sage grouse protection plan to free up thousands of mining claims by shrinking the restricted area in exchange for making other unprotected areas off limits, restoring burned out rangeland and reining in wild horse herds. Gov. Brian Sandoval maintains his alternative would exclude only about 6 percent of the federal land the government has temporarily withdrawn from future mineral development in Nevada.

Oil & Natural Gas

Oil Industry Throws Support Behind Energy Reform Bill

James Osborne, The Houston Chronicle

Efforts in Congress to update the country's energy laws got the thumbs up from the oil industry Thursday. In a letter to Senate Majority Leader Mitch McConnell, R-Ky., American Petroleum Institute President Jack Gerard said Thursday his group "strongly supports" the legislation, named the Energy Policy Modernization Act.

Oil Slump Sets Scene for Mergers

Bradley Olson and Sarah Kent, The Wall Street Journal

A year-and-a-half on from the start of the worst crude-oil price crash in a generation, the biggest U.S. and European energy companies have delayed projects and made such deep budget cuts that they will soon struggle to replace the oil they pump out of

the ground with new reserves. That conundrum could have serious implications for Exxon Mobil Corp., BP PLC, Chevron Corp. and Royal Dutch Shell PLC because oil-and-gas reserves are critical to evaluating their growth prospects.

Gas Blowout Happened in Old Well Regulated By Old Rules
Brian Melley and Ellen Knickmeyer, The Associated Press

State records show the utility that owns a leaking natural gas well near Los Angeles knew a devastating blowout was possible because of its age, design and the way it was being operated. State regulators say they were aware of the situation at the largest gas storage field in the West but were limited in their ability to stop it.

Why Exxon is the Get-Rich-Slow Oil Play
Spencer Jakab, The Wall Street Journal

Investors buying beaten-down energy stocks have been repeatedly bitten by renewed, vicious plunges in oil. A safer and possibly more-rewarding approach is to put a tiger in their tank with Exxon Mobil. Value seekers might balk at how little Exxon actually has been affected by the industry rout.

PSEG to Spend \$1.6 Billion to Build Gas-Fired U.S. Power Plant
Scott Disavino, Reuters

Public Service Enterprise Group Inc, New Jersey's biggest power company, plans to spend \$1.6 billion over five years to expand its natural gas and other power plants to take advantage of cheap prices from swollen gas supplies. "We have been talking about this low gas-price environment for years. We are building new combined-cycle gas units, while also making investments in existing plants to get more out of them," William Levis, president and chief operating officer of PSEG Power told Reuters.

Investors Hedge Bets on Crude-Oil Revival
Gregory Zuckerman, The Wall Street Journal

Avenue Capital Group, Och-Ziff Capital Management Group LLC, Carlson Capital LP and Blackstone Group LP's GSO Capital are among firms that have raised or are raising money from investors to plow into the energy sector, investors say. But wary of the sharp price declines that stung early bargain hunters, they are approaching their investments more cautiously.

Rystad: \$230 Billion in Oil Projects Mothballed Because of Cheap Crude
Collin Eaton, The Houston Chronicle

Since the oil downturn began, drillers have mothballed \$230 billion in projects that have been explored but not yet approved, delaying daily production of 3 million barrels over the next decade, Rystad Energy said in a new report Thursday. That's 38 percent higher than Rystad's previous estimate last July, and the number of

projects that have been delayed since then has risen from 40 to 63.

BG Shareholders Approve Takeover by Shell

Sarah Kent and Neanda Salvaterra, The Wall Street Journal

BG Group PLC's shareholders on Thursday signed off on Royal Dutch Shell PLC's roughly \$50 billion proposed takeover of the company, paving the way for completion of the biggest oil and gas deal in over a decade. The vote by the British oil and gas company's investors was the final hurdle to a deal that will create one of the world's largest liquefied natural gas producers, while bolstering Shell's deep water oil projects."

Oil Steady, Heading for Weekly Gain on Supply Cut Deal Hopes

Simon Falush, Reuters

Oil was steady around \$34 per barrel on Friday as hopes of a deal by major exporters to cut production faded slightly[...] U.S. crude CLc1 was up 7 cents to \$33.29 a barrel, having settled up 92 cents, or 2.9 percent, at \$33.22 on Thursday.

Natural Gas Turns Positive After Inventory Data

Nicole Friedman, The Wall Street Journal

Natural gas prices rose for a seventh straight session Thursday on a larger-than-expected storage withdrawal. Natural-gas inventories fell by 211 billion cubic feet in the week ended Jan. 22, the U.S. Energy Information Administration said Thursday, more than the 205-bcf draw that analysts surveyed by The Wall Street Journal had expected.

Utilities & Infrastructure

U.S. Utilities Worry About Cyber Cover After Ukraine Grid Attack

Jim Finkle, Reuters

U.S. utilities are looking hard at their cyber vulnerabilities and whether they can get insurance to cover what could be a multi-billion dollar loss after hackers cut electric power to more than 80,000 Ukrainians last month. The Dec. 23 incident in Ukraine was the first cyber attack to cause a power outage, and is one of just a handful of incidents in which computer hacking has caused physical effects on infrastructure rather than the loss or theft of electronic data.

Did Solar Lobbying Tactics Sow the Seeds of the Nevada Net Metering Controversy?

Herman K. Trabish, Utility Dive

Only a nascent solar market less than two years ago, debates in Nevada over net

metering policies have captured the attention of utilities and renewable energy advocates nationwide at the beginning of 2016. At the end of December, utility regulators issued a decision calling for reforms to solar net metering and utility rate practices.

Renewables

NextEra Energy Results Top Expectations **Chelsey Dulaney, The Wall Street Journal**

NextEra Energy Inc. on Thursday reported better-than-expected earnings for its fourth quarter, as investments in clean generation and renewable energy drove growth. NextEra, a clean-energy company, has multiple units, including Florida Power & Light and NextEra Energy Resources.

Solar Homeowners Win Big in California Ruling, For Now **David R. Baker, San Francisco Chronicle**

The solar industry scored a major victory Thursday when a divided California Public Utilities Commission voted to keep largely intact the system that compensates solar homeowners for excess electricity that they place on the grid. The vote extends with minor changes California's "net energy metering" system, one of the state's most important incentives for rooftop solar power.

Under Pressure, SunEdison Gives David Einhorn's Fund a Board Seat **Alexandra Stevenson, The New York Times**

Now, under pressure, SunEdison has agreed to give Greenlight Capital, which is led by Mr. Einhorn, a seat on its board and said it would amend some of its policies. SunEdison has appointed Claire Gogel, a former Greenlight executive, as an independent director and the hedge fund's representative on the board, effective immediately, the company said on Wednesday.

How Big a Deal Was Congress Extending the Renewable Energy Tax Credits? A Very, Very Big Deal **David Roberts, Vox**

Back in December, Congress did something it rarely does any more these days — struck a series of compromises and passed a bill, specifically a giant \$1.8 trillion spending bill. Among many other things, that bill extended the two key federal tax credits that support renewable energy: the production tax credit (PTC), which mostly goes to wind, and the investment tax credit (ITC), which goes to solar.

Coal

Coal Slides to New Low as Source of Electricity

Bobby Magill, Climate Central

The amount of electricity generated using coal in the U.S. slid to its lowest level since at least 1970 in November, according to data released this week by the Energy Information Administration. Coal-fired power plants generated 29 percent of the U.S. electric power supply in November, dropping from nearly 35 percent in July and 39 percent for all of 2014.

New Mexico's Biggest Power Plant Sticks with Coal. Partly. For Now.

Zahra Hirji, InsideClimate News

When New Mexico utility regulators decided to partially close the state's largest coal-fired power plant in December, they punted the controversial discussion of how long the state should rely on coal. The San Juan Generating Station provides about a third of the state's power.

Nuclear

Crapo Nuclear Research Amendment Approved

Luke Ramseth, Post Register

The U.S. Senate on Thursday approved an amendment to an energy overhaul bill that could have big implications for Idaho National Laboratory and advanced nuclear reactor research in the coming years. The bipartisan legislation, written by Idaho Sen. Mike Crapo, passed on an 87-4 vote.

Energy Experts Are Split on Whether Wisconsin Should Lift Ban on New Nuclear Power Plants

Scottie Lee Meyers, Wisconsin Public Radio

Earlier this month, the state Assembly passed a measure that would effectively lift Wisconsin's ban on new nuclear power plants by eliminating two essential clauses. The clauses stipulate that nuclear power would be proven to be a cheaper source of energy to residents and requires a federal repository site for spent nuclear waste.

Climate

Insurance Debate Flares as Climate Change Boosts Wildfire Risk

Brittany Patterson, E&E

Two deadly wildfires that ravaged Northern California last fall caused an estimated \$1 billion in damages, state insurance regulators said this week. The announcement

comes days after California Insurance Commissioner Dave Jones signed an order making it easier for Californians to qualify for the state's "plan of last resort."

Opinions, Editorials & Perspectives

Blizzard Reminds Us How Much Reliable Electricity Matters

Laura Sheehan, Morning Consult

As states stretched from the Northeast to the Mid-Atlantic dig out from under what is being described as a historic snowstorm, many people in the affected area have one question at the top of their minds: "Will we lose power this winter?" Having the power on in our homes means so much more than keeping the lights on—it means keeping the heat on, the refrigerator running and our phones charged.

The Problem With the Ethanol Mandate That Iowa Loves

Margo Oge, The New York Times

Iowa is the nation's top producer of corn, and nearly half of it ends up as ethanol, thanks to a government mandate that requires ethanol to be mixed into gasoline. The mandate is worth hundreds of millions of dollars to farmers there. No wonder most Iowans talk it up, as do most of the presidential candidates campaigning there in the lead up to the caucuses.

Make Utilities More Efficient With Policies That Encourage Investment

Irl Scissors, St. Louis Post-Dispatch

Policies encouraging investment in technology and infrastructure make utilities smarter, more efficient, preventing cyberattacks that threaten the grid and customer data. These improvements prevent outages and disasters like what happened in Flint, Mich.

Protecting Water and Wildlife

WM. Robert Irvin, The New York Times

In "Stop Wasting America's Hydropower Potential" (Op-Ed, Jan. 14), Senator Lisa Murkowski and Jay Faison of the ClearPath Foundation called for a much bigger role for hydropower in addressing climate change. But the bill they praise, H.R. 8, would undo decades of advances for river conservation.

When the Champagne is Finished: Why the Post-Paris Parade of Climate Euphoria is Largely Premature

Tim Boersma and Charles K. Ebinger, Brookings Institution

The new international climate change agreement has received largely positive reviews despite the fact that many years of hard work will be required to actually turn

“Paris” into a success. As with all international agreements, the Paris agreement too will have to be tested and proven over time.

Research Reports, Issue Briefs & Case Studies

New Pipeline Projects Increase Northeast Natural Gas Takeaway Capacity U.S. Energy Information Administration

A number of recently completed and upcoming natural gas infrastructure projects are expected to increase the reach of natural gas produced in the Marcellus and Utica regions of the Northeastern United States (see map). These projects are intended to transport natural gas from production centers to consuming markets or export terminals.

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To: Greene, Ashley[Greene.Ashley@epa.gov]; Burneson, Eric[Burneson.Eric@epa.gov]; Lopez-Carbo, Maria[Lopez-Carbo.Maria@epa.gov]; Bergman, Ronald[Bergman.Ronald@epa.gov]
Cc: Grevatt, Peter[Grevatt.Peter@epa.gov]
From: Bissonette, Eric
Sent: Fri 1/29/2016 3:57:47 PM
Subject: no where near finished What is the capacity of Flint to operate a DW treatment plant?

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Eric M. Bissonette

Chief of Staff

Office of Ground Water and Drinking Water

US Environmental Protection Agency

Washington, DC 20460

202 564-2147

To: Poy, Thomas[poy.thomas@epa.gov]; Bair, Rita[bair.rita@epa.gov]
Cc: Palmer, Michele[Palmer.Michele@epa.gov]; Porter, Andrea[porters.andrea@epa.gov]; McElhinney, Cary[mcelhinney.cary@epa.gov]; Shoven, Heather[shoven.heather@epa.gov]
From: Kuefler, Janet
Sent: Fri 2/19/2016 9:17:03 PM
Subject: just fyi--asked Chicago to follow up, copied IEPA, FW: 311 question

From: Kuefler, Janet
Sent: Friday, February 19, 2016 2:50 PM
To: 'alan.stark@cityofchicago.org' <alan.stark@cityofchicago.org>
Cc: 'Dave.McMillan@illinois.gov' <Dave.McMillan@illinois.gov>
Subject: 311 question

Good afternoon,

I was wondering if your staff could please follow up to this inquiry. There may be some misunderstanding about where lead testing is done and results provided to homeowners, when calling 311 in Chicago.

Thanks,

Janet Kuefler

Ground Water and Drinking Water Branch

State Programs Team Leader

United States Environmental Protection Agency, Region 5

77 West Jackson Blvd. (WG-15J)

Chicago, Illinois 60604

(312) 886-0123

kuefler.janet@epa.gov

From: M. Chavez [<mailto:ma.chavez23@gmail.com>]
Sent: Thursday, February 18, 2016 5:22 PM
To: McElhinney, Cary <mcelhinney.cary@epa.gov>
Subject: WaterTesting by the city

Cary,

One of our members tried to have his drinking water tested and received this answer from the city.

"I called the city's 311 line and got on the list to get my water tested for lead. Apparently, the city tests the water underground and you only get a letter in the mail if they find something wrong. So... ??? I don't understand how that's supposed to work, given that the real problem is in the lead service line.

I also tried to get more information from the Chicago Department of Public Health's lead hotline 312.747.LEAD (5323), but I keep getting to some automated service and can't leave a message. I'll try again tomorrow and keep you posted if I find anything.

I've also reached out to the community analytic chemistry lab folks and I imagine that I'll just get my water tested by them too if that's possible."

To: Poy, Thomas[poy.thomas@epa.gov]; Bair, Rita[bair.rita@epa.gov]
Cc: Palmer, Michele[Palmer.Michele@epa.gov]; Porter, Andrea[porters.andrea@epa.gov]; McElhinney, Cary[mcelhinney.cary@epa.gov]; Shoven, Heather[shoven.heather@epa.gov]
From: Kuefler, Janet
Sent: Fri 2/19/2016 9:26:44 PM
Subject: RE: just fyi--asked Chicago to follow up, copied IEPA, FW: 311 question

Alan Stark just called and he said that he will reach out to the caller. He said that 311 has been very busy with requests.

Janet Kuefler

Ground Water and Drinking Water Branch

State Programs Team Leader

United States Environmental Protection Agency, Region 5

77 West Jackson Blvd. (WG-15J)

Chicago, Illinois 60604

(312) 886-0123

kuefler.janet@epa.gov

From: Kuefler, Janet
Sent: Friday, February 19, 2016 3:17 PM
To: Poy, Thomas <poy.thomas@epa.gov>; Bair, Rita <bair.rita@epa.gov>
Cc: Palmer, Michele <Palmer.Michele@epa.gov>; Porter, Andrea <porters.andrea@epa.gov>; McElhinney, Cary <mcelhinney.cary@epa.gov>; Shoven, Heather <shoven.heather@epa.gov>
Subject: just fyi--asked Chicago to follow up, copied IEPA, FW: 311 question

From: Kuefler, Janet
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Cc: 'Dave.McMillan@illinois.gov' <Dave.McMillan@illinois.gov>
Subject: 311 question

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State Programs Team Leader

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Chicago, Illinois 60604

(312) 886-0123

kuefler.janet@epa.gov

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Sent: Thursday, February 18, 2016 5:22 PM
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To: Johnson, Mark[johnson.mark@epa.gov]; Poy, Thomas[poy.thomas@epa.gov]
From: Lohff, Cortland
Sent: Thur 3/3/2016 2:29:36 PM
Subject: Fw: Lead and Water Meters Response
[NDWAC LCR Work Group Report Final 08 24 2015 \(1\).pdf](#)
[GAO \(1\).pdf](#)
[Rupp to State and Local Partners LCR Implementation 02-29-2016 \(1\).pdf](#)
[epa lcr sampling memorandum dated february 29 2016 508 \(1\).pdf](#)

Cortland (Cort) Lohff, MD, MPH

Medical Director for Environmental Health

2133 W. Lexington

Chicago, IL. 60612

office: 312-746-6621

BB: 312-339-0852

[Chicago Department of Public Health](#)

From: Lohff, Cortland
Sent: Wednesday, March 2, 2016 5:02 PM
To: Lockamy, Elise (CDC/ONDIEH/NCEH); Brown, Mary Jean (CDC/ONDIEH/NCEH)
Cc: Kaka, Eddy
Subject: Re: Lead and Water Meters Response

hi -

i've attached several documents forwarded to me from the Water Dept for your review.

have you folks been able to attend an epa region 5 official to join the call (was that invite going to come from you folks or from us)?

i've confirmed with our water dept that they will have representation on the call.

cort

Cortland (Cort) Lohff, MD, MPH

Medical Director for Environmental Health

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office: 312-746-6621

BB: 312-339-0852

Chicago Department of Public Health

From: Jorgensen, Emile

Sent: Monday, February 29, 2016 8:18 AM

To: Lockamy, Elise (CDC/ONDIEH/NCEH); Brown, Mary Jean (CDC/ONDIEH/NCEH); Kaka, Eddy; Harrold, Marguerite; Lohff, Cortland

Subject: RE: Lead and Water Meters Response

Hi,

Can someone, maybe Cort or Eddy, invite the water bureau people? Do you have an agenda, Elise? Has anyone seen the GAO report mentioned by the water bureau? Do we have an EPA person to join us? Maybe we can get one of the authors of the Chicago sampling and service line disturbance articles (ie, Del Toral, Porter or Schock)?

I have read a lot of the recent epidemiology of water and lead and a little bit of the engineering stuff and this is a very, very complicated area. I am going to suggest that getting cooperation from the water bureau is very important so someone (Cort?) should use a little diplomacy on them.

All the best,

Emile

From: Lockamy, Elise (CDC/ONDIEH/NCEH) [mailto:vts8@cdc.gov]

Sent: Friday, February 26, 2016 4:32 PM

To: Brown, Mary Jean (CDC/ONDIEH/NCEH); Jorgensen, Emile; Kaka, Eddy; Harrold, Marguerite; Lohff, Cortland

Subject: RE: Lead and Water Meters Response

Hello Everyone,

I hope you've already started what I hope will be a wonderful weekend for you.

I am going to send a meeting invitation for Thursday, March 3rd at 12:30pm eastern. If there are too many conflicts, we can reschedule. Please invite the appropriate persons to the meeting.

I look forward to hearing from you then.

-Elise L.

Elise Lockamy, MSPH

CDC/ONDIEH/NCEH/DEEHS

Healthy Homes and Lead Poisoning Prevention Program

vts8@cdc.gov|770-488-0050

From: Lockamy, Elise (CDC/ONDIEH/NCEH)

Sent: Tuesday, February 23, 2016 10:56 AM

To: Brown, Mary Jean (CDC/ONDIEH/NCEH) <mjb5@cdc.gov>; Emile Jorgensen <Emile.Jorgensen@cityofchicago.org>; Eddy Kaka <Eddy.Kaka@cityofchicago.org>; Marguerite Harrold (<Marguerite.Harrold@cityofchicago.org>); Cortland Lohff <cortland.lohff@cityofchicago.org>

Subject: RE: Lead and Water Meters Response

Thank you all for joining today's call. And many thanks for including the Chicago Department of Water Management personnel.

As discussed, CDC will review the Del Toral article and other resources provided before making further recommendations. We plan to re-engage next week with the inclusion of an EPA Region 5 official. I can help with the conference line and will gauge availability later this week.

Emile – please forward those last two resources that the Water officials will send to your attention.

Thanks and have a great rest of the week!

-Elise L.

Elise Lockamy, MSPH

CDC/ONDIEH/NCEH/DEEHS

Healthy Homes and Lead Poisoning Prevention Program

vts8@cdc.gov | 770-488-0050

-----Original Appointment-----

From: Lockamy, Elise (CDC/ONDIEH/NCEH)

Sent: Monday, February 22, 2016 3:40 PM

To: Lockamy, Elise (CDC/ONDIEH/NCEH); Brown, Mary Jean (CDC/ONDIEH/NCEH); Emile Jorgensen; Eddy Kaka; Marguerite Harrold (Marguerite.Harrold@cityofchicago.org); Cortland Lohff

Subject: Lead and Water Meters Response

When: Tuesday, February 23, 2016 10:00 AM-11:00 AM (UTC-05:00) Eastern Time (US & Canada).

Where: Dial: ID:

AGENDA:

Review of the current public health issue (15 minutes)

Response provided to date (10 minutes)

Collaboration with water authority (10 minutes)

Recommended Next Steps [with scientific foundation] (25 minutes)

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English (United States)

(855) 644-0229 (Chamblee Dial-in Conference Region)

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To: Poy, Thomas[poy.thomas@epa.gov]
From: Lohff, Cortland
Sent: Thur 3/3/2016 2:40:23 PM
Subject: Re: EPA contact

great. thanks tom.

i don't believe tom powers will, but several of his senior staff and engineers will be.

cort

Cortland (Cort) Lohff, MD, MPH

Medical Director for Environmental Health

2133 W. Lexington

Chicago, IL. 60612

office: 312-746-6621

BB: 312-339-0852

Chicago Department of Public Health

From: Poy, Thomas <poy.thomas@epa.gov>
Sent: Thursday, March 3, 2016 8:39 AM
To: Lohff, Cortland
Subject: RE: EPA contact

Cort: I can make the call. Tom Powers contacted our Regional Administrator about the CDC recommendation the other day. Do you know if Tom will be on the call?

Tom Poy

Chief, Ground Water and Drinking Water Branch

USEPA - Region 5

(312) 886-5991

From: Lohff, Cortland [mailto:Cortland.Lohff@cityofchicago.org]
Sent: Thursday, March 03, 2016 8:29 AM
To: Johnson, Mark <johnson.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
Subject: Re: EPA contact

Mark - that would be great.

Tom - would love to have you join us if you can.

Purpose of the call: Discuss CDC recommendations for responding to indicators of high lead levels in water

Call-in instructions:

11:30 - 12:15 CST

Nonresponsive Conference Code

i'll be forwarding via separate email several documents that we may be reviewing during the call.

thanks

cort

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office: 312-746-6621

BB: 312-339-0852

Chicago Department of Public Health

From: Johnson, Mark <johnson.mark@epa.gov>

Sent: Thursday, March 3, 2016 8:01 AM

To: Lohff, Cortland

Subject: Re: EPA contact

Cort

I would also be interested in participating in that call if that would be OK.

Mark

Sent from my iPhone

On Mar 3, 2016, at 8:57 AM, Johnson, Mark <johnson.mark@epa.gov> wrote:

Cort

Tom Poy would be the primary contact at EPA for drinking water issues (poy.thomas@ [epa.gov](mailto:poy.thomas@epa.gov); 312-886-5991).

Mark

Sent from my iPhone

On Mar 3, 2016, at 8:36 AM, Lohff, Cortland <Cortland.Lohff@cityofchicago.org> wrote:

Hi Mark -

Hope this finds you well.

I was wondering if you could recommend someone from EPA region 5 with expertise in drinking water issues. I'm having a call with CDC and our local water utility this morning, and wanted to invite someone from there to join that call.

Thanks Mark,

Cort

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To: Poy, Thomas[poy.thomas@epa.gov]
From: Deltoral, Miguel
Sent: Thur 3/3/2016 2:59:06 PM
Subject: Re: chicago/CDC

I'm free from 11 to 12 but I can't be late for the call at 12 since its a mtg with the Flint contractor on LSL removal.

Miguel A. Del Toral
Regulations Manager
U.S. EPA R5 GWDWB
77 West Jackson Blvd, (WG-15J)
Chicago, IL 60604
Phone: (312) 886-5253

From: Poy, Thomas
Sent: Thursday, March 3, 2016 08:50 AM
To: Deltoral, Miguel
Subject: chicago/CDC

Available for a call at 11:30?

Tom Poy

Chief, Ground Water and Drinking Water Branch

USEPA - Region 5

(312) 886-5991

From: Lohff, Cortland [mailto:Cortland.Lohff@cityofchicago.org]
Sent: Thursday, March 03, 2016 8:29 AM
To: Johnson, Mark <johnson.mark@epa.gov>
Cc: Poy, Thomas <poy.thomas@epa.gov>
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Call-in instructions:

11:30 - 12:15 CST

855-644-0229; ID: 3672483

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message, and permanently delete the original and any copy of any e-mail and printout thereof.

To: Poy, Thomas[poy.thomas@epa.gov]
From: Deltoral, Miguel
Sent: Thur 3/3/2016 3:02:49 PM
Subject: Re: chicago/CDC

Sorry, the contractor call starts at 11:30am, so I am available only from 11:00am to 11:30am.

FYI - Tim just sent out a call invite for 10:30-11:00 to talk about next week's work.

Miguel A. Del Toral
Regulations Manager
U.S. EPA R5 GWDWB
77 West Jackson Blvd, (WG-15J)
Chicago, IL 60604
Phone: (312) 886-5253

From: Deltoral, Miguel
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Sent: Thursday, March 03, 2016 8:29 AM

To: Johnson, Mark <johnson.mark@epa.gov>

Cc: Poy, Thomas <poy.thomas@epa.gov>

Subject: Re: EPA contact

Mark - that would be great.

Tom - would love to have you join us if you can.

Purpose of the call: Discuss CDC recommendations for responding to indicators of high lead levels in water

Call-in instructions:

11:30 - 12:15 CST

855-644-0229; ID: 3672483

i'll be forwarding via separate email several documents that we may be reviewing during the call.

thanks

cort

Cortland (Cort) Lohff, MD, MPH

Medical Director for Environmental Health

2133 W. Lexington

Chicago, IL. 60612

office: 312-746-6621

BB: 312-339-0852

Chicago Department of Public Health

From: Johnson, Mark <johnson.mark@epa.gov>

Sent: Thursday, March 3, 2016 8:01 AM

To: Lohff, Cortland

Subject: Re: EPA contact

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I would also be interested in participating in that call if that would be OK.

Mark

Sent from my iPhone

On Mar 3, 2016, at 8:57 AM, Johnson, Mark <johnson.mark@epa.gov> wrote:

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Tom Poy would be the primary contact at EPA for drinking water issues (poy.thomas@[epa.gov](mailto:poy.thomas@epa.gov); 312-886-5991).

Mark

Sent from my iPhone

On Mar 3, 2016, at 8:36 AM, Lohff, Cortland <Cortland.Lohff@cityofchicago.org> wrote:

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To: Poy, Thomas[poy.thomas@epa.gov]
From: Porter, Andrea
Sent: Thur 3/3/2016 3:46:08 PM
Subject: RE: chicago/CDC

I'll be on the call.

From: Poy, Thomas
Sent: Thursday, March 03, 2016 9:03 AM
To: Porter, Andrea <porter.andrea@epa.gov>
Subject: FW: chicago/CDC

Available at 11:30 for a call with Chicago and CDC? They are talking about a CDC recommendation that bottled water be provided to homes for 3 months that have their service lines disturbed

Tom Poy

Chief, Ground Water and Drinking Water Branch

USEPA - Region 5

(312) 886-5991

From: Poy, Thomas
Sent: Thursday, March 03, 2016 8:51 AM
To: Miguel Deltoral - EPA <Deltoral.Miguel@epa.gov>
Subject: chicago/CDC

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USEPA - Region 5

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Nonresponsive Conference Code

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To: Poy, Thomas[poy.thomas@epa.gov]
Cc: Stark, Alan[Alan.Stark@cityofchicago.org]
From: Caminer, Irene
Sent: Thur 3/17/2016 5:51:14 PM
Subject: FW: Meeting Notes| Lead and Water Meters Response Follow-Up Call
This conference call was initiated by CDC and facilitated by Cortland Lohff--isc 03042016.docx
Water Main Project Notification Template 20160304 FINAL.pdf
11135A_37_P.pdf

Tom,

Alan sent me your email from yesterday. I had responded to everyone in Elise Lockamy's email and I guess you were not on it. My apologies. I have added the door hanger (which had not been completed at the time of the email).

Should you have any questions, please let me know.

Best,

Irene

Irene Schild Caminer

Director of Legal Services

City of Chicago

Department of Water Management - Commissioner's Office

1000 E. Ohio Street

Chicago, IL 60611

Phone: 312-742-1028

Fax: 312-742-9129

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Please consider the environment before printing this email.

From: Caminer, Irene
Sent: Friday, March 04, 2016 4:21 PM
To: 'Lockamy, Elise (CDC/ONDIEH/NCEH)'; Brown, Mary Jean (CDC/ONDIEH/NCEH); Kaka, Eddy; Lohff, Cortland; Harrold, Marguerite; Putz, Andrea
Cc: Bennett-Conner, Meredith L. (CDC/ONDIEH/NCEH); 'Stark, Alan (Alan.Stark@cityofchicago.org)'
Subject: RE: Meeting Notes| Lead and Water Meters Response Follow-Up Call

All,

Attached are our suggested edits to yesterday's meeting minutes. I have included Alan Stark on this email. Also, we have revised our construction letter and I have attached as a .pdf.

Best,

Irene

Irene Schild Caminer

Director of Legal Services

City of Chicago

Department of Water Management - Commissioner's Office

1000 E. Ohio Street

Chicago, IL 60611

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Please consider the environment before printing this email.

From: Lockamy, Elise (CDC/ONDIEH/NCEH) [<mailto:vts8@cdc.gov>]

Sent: Thursday, March 03, 2016 2:40 PM

To: Brown, Mary Jean (CDC/ONDIEH/NCEH); Kaka, Eddy; Lohff, Cortland; Harrold, Marguerite; Caminer, Irene; Putz, Andrea

Cc: Bennett-Conner, Meredith L. (CDC/ONDIEH/NCEH)

Subject: Meeting Notes| Lead and Water Meters Response Follow-Up Call

Good afternoon everyone,

Thank you for joining today's call.

If any errors or omissions are indicated in the notes below, please feel free to correct them.
Forward this email to anyone not included here.

This conference call was initiated by CDC and facilitated by Cortland Lohff, Medical Director for Environmental Health at the Chicago Department of Public Health.

Last week Dr. Mary Jean Brown of the CDC Healthy Homes and Lead Poisoning Prevention Program provided recommendations to the Chicago Department of Public Health for alerting residents to the possible presence of lead in water sources after lines had been cut during water meter replacements. Specifically, Dr. Brown recommended that CDPH liaise with the local water authority to distribute messaging highlighting the importance of water testing, the use of water bottles until water lead levels are safe, and the importance of allowing time for the rebuilding of protective sediments. The recommendations prompted a phone call with CDPH and water authority officials.

Today, Dr. Brown revisited the recommendation to encourage residents to clean out water aerators after work is completed. The experience in other cities has been that lead levels go up once there are disturbances in header pipes.

Tom Poy, EPA region 5 official, clarified that a recent study with the Chicago Dept of Water Management was intended to examine water sampling protocols to inform revisions to the Lead and Copper Rule. He mentioned that EPA's action level for lead (currently 15ppb) is not a health-based number; rather, the figure is a chemistry indicator that corrosion protections have failed.

Allen and Andrea Putz of the Chicago water authority described the current recommendations in place following work performed on water lines. When work crews are still on site a thorough flush is conducted, whereby water on the first level is flushed for five minutes and then on subsequent levels moving up in order. Routine flushing is recommended after water has been sitting for 6 hours or more; the flushing should last five minutes and includes activities such as flushing the toilet and showering. The routine flushing recommendation applies to everyone, while the thorough flush applies to homes directly affected by water main work. Follow-up water sampling is not conducted. Tom agreed that the current flushing recommendations make sense given the information that is available concerning lead in water.

Dr. Brown noted that Jackson, MS has adopted the Flint, MI recommendation that children under six years of age and pregnant women should drink bottled water. The recommendation though is related to a change in water source and not lead pipe work.

CDPH officials feel comfortable moving forward with health education messaging with the water authority recommendations for flushing.

Currently, CDPH does not collect water samples when facilitating an inspection of the home of a child with an elevated blood lead level. A relationship between water lead levels and elevated blood lead levels was not found after convenience sampling of 170 homes.

A note about Chicago multi-unit homes: Most don't have lead services as iron piping is used.

NEXT STEPS: The water authority and EPA will share their flushing recommendations. After reviewing the materials, the group will determine if a follow-up call is required.

-Elise L.

Elise Lockamy, MSPH

Health Scientist|Project Officer

Centers for Disease Control & Prevention
National Center for Environmental Health
Division of Emergency and Environmental Health Services
Healthy Homes and Lead Poisoning Prevention
E-mail: vts8@cdc.gov
Office phone: 770-488-0050

Telework: Wednesdays

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To: Deltoral, Miguel[deltoral.miguel@epa.gov]; Poy, Thomas[poy.thomas@epa.gov]; Bair, Rita[bair.rita@epa.gov]
From: Leon, Heriberto
Sent: Wed 3/30/2016 2:53:10 PM
Subject: FW: Contact information for City of Chicago Department of Health

I'm forwarding the email thread below just fyi.

Heriberto León | Community Involvement Coordinator

U.S. EPA | Superfund Division

77 W Jackson Blvd | SI-7J | Chicago, IL 60604

Phone 312.886.6163 | Fax 312.697.2754

From: Lohff, Cortland [mailto:Cortland.Lohff@cityofchicago.org]
Sent: Tuesday, March 29, 2016 4:05 PM
To: Byron Sigcho <bsigcho@gmail.com>
Cc: Muhtsun, Ruth <muhtsun.ruth@epa.gov>; Leon, Heriberto <leon.heriberto@epa.gov>
Subject: Re: Contact information for City of Chicago Department of Health

hi bryon -

i've been in contact with the water department. they've agreed to sample the water at the school and to test that water for lead. i will be providing the contact information for the school to the water department. once the testing is done, the water department will share with me, and i will let you know the results.

as for your other requests related to lead, i'll need to consult with my data person first before i can give you a timeline for being able to provide those data to you. i'll be in touch in a few days with an update.

cort

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Chicago Department of Public Health

From: Byron Sigcho <bsigcho@gmail.com>

Sent: Friday, March 18, 2016 4:10 PM

To: Lohff, Cortland

Cc: Muhtsun, Ruth; Leon, Heriberto

Subject: Re: Contact information for City of Chicago Department of Health

Thanks for your quick reply Dr. Cortland, I will contact the Water Management Dept regarding sampling water in Pilsen schools.

Perhaps you can help us with the study on lead levels in Pilsen. We would like to request more information about the results of lead levels which indicates no significant difference with respect to other parts of the city. Also, we would like to request a test on the children of Perez Elementary to make sure levels are not too high, in the past these tests have been statistically significant and we want to insure this is not the case any more.

Please let me know if we can discuss this issue in more detail.

Regards,

Byron Sigcho

Pilsen Alliance Director

312-823-2270

On Fri, Mar 18, 2016 at 9:39 AM, Lohff, Cortland <Cortland.Lohff@cityofchicago.org> wrote:

hi bryon -

the health department does not regulate drinking water. that responsibility falls to the dept of water management.

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From: Byron Sigcho <bsigcho@gmail.com>

Sent: Thursday, March 17, 2016 9:17 PM

To: Lohff, Cortland

Cc: Muhtsun, Ruth; Leon, Heriberto

Subject: Re: Contact information for City of Chicago Department of Health

Dear Dr. Cortland,

Hope all is well. I wanted to have a meeting with you regarding requirements for water for schools and in the community of Pilsen in general.

Here are the documents I would like to refer to:

<https://www.epa.gov/dwreginfo/lead-and-copper-rule>

- [Lead and Copper Rule: A Quick Reference Guide for Schools and Child Care Facilities that Are Regulated Under the Safe Drinking Water Act \(PDF\)](#)(5 pp, 546 K, [About PDF](#)) EPA 816-F-05-030, October 2005

Plus look at new report about asbestos in schools.

<http://www.asbestosnation.org/facts/inspectors-find-widespread-asbestos-risks-in-chicago-schools/>

Please give me a call or let's set up an appointment at your earliest convenience.

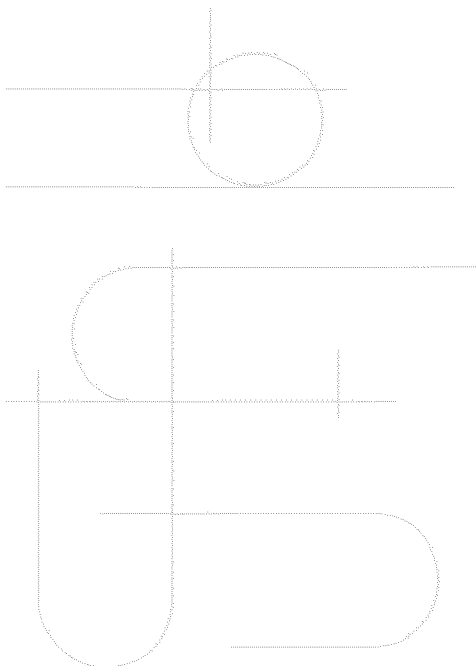
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On Mon, Feb 22, 2016 at 11:48 AM, Leon, Heriberto <leon.heriberto@epa.gov> wrote:



Hello Byron Sigcho,

Dr. Cortland Lohff, from the City of Chicago Department of Health, was present at the January EPA Open House in Pilsen. His contact information is:

(312) 746-6621

Cortland.Lohff@cityofchicago.org

www.cityofchicago.org/city/en/depts/cdph/supp_info/food_envIRON/childhood_lead_poisoni



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<http://www.epa.gov/region5/>

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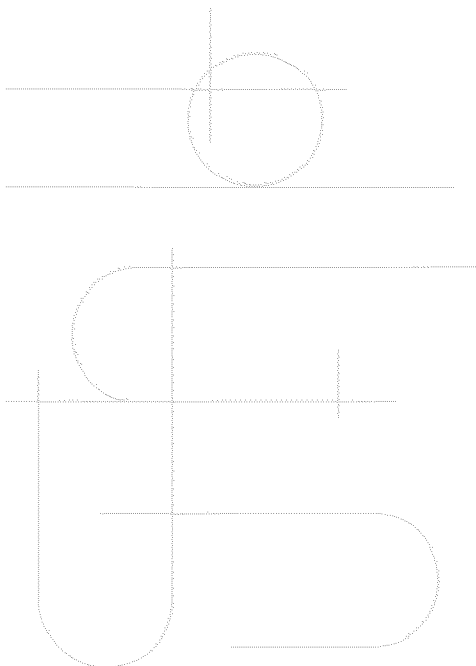
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